

# **FINAL REPORT**

including a

## **PROPOSED CHARTER**

for the town of

### **SHARON, MASSACHUSETTS**



#### **For Reference**

**Not to be taken from this room**

adopted by the Charter Commission for the Town of Sharon

at a meeting held on November 5, 2009

#### **SHARON CHARTER COMMISSION**

**Andrew D. Nebenzahl, Chair**

**Paul Pietal, Vice Chair**

**Paul Izzo, Clerk**

**Margaret Arguimbau**

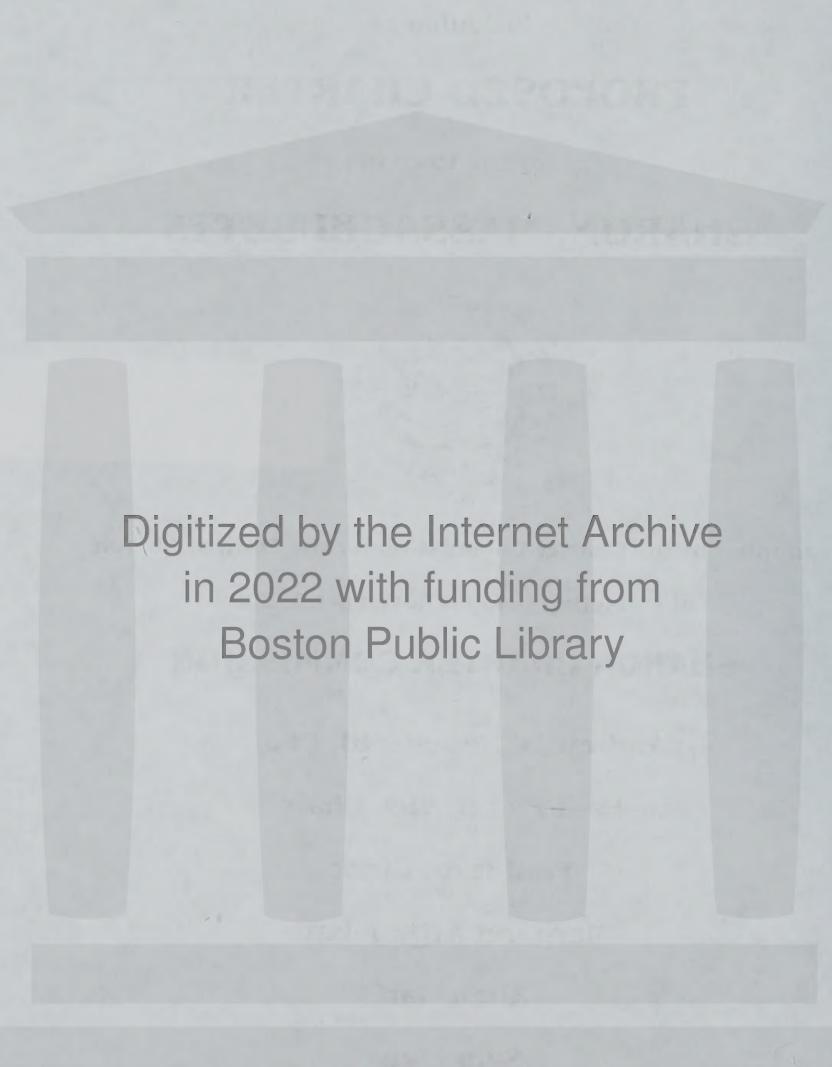
**Allen Garf**

**Sam Liao**

**Abigail Marsters**

**Susan Osgood Peck**

**Colleen M. Tuck**



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# TOWN OF SHARON CHARTER COMMISSION

90 SOUTH MAIN STREET  
SHARON, MASSACHUSETTS 02067

Andrew D. Nebenzahl, Chairman  
Paul Pietal, Vice Chairman  
Paul Izzo, Clerk  
Margaret Arguibau  
Allen Garf  
Sam Liao  
Abigail Marsters  
Susan Osgood Peck  
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To the voters of the Town of Sharon:

We, the undersigned members of the Town of Sharon Charter Commission, submit this final report, including a Town Charter. Sharon has never adopted a consolidated document, such as a charter, articulating a town organizational structure or division of authority among government officials. A majority of the commission believes that the proposed charter will help the town of Sharon meet the challenges facing Massachusetts' communities in the twenty-first century.

## Background

The effort to elect a Charter Commission was born, in part, out of (i) a perceived need to undertake a comprehensive analysis of the town's present governmental structure and adjust that structure to foster greater collaboration among town administrators, boards and commissions; (ii) a recognition that there was insufficient comprehensive long term planning in areas such as land use, finance and building maintenance; and (iii) a belief that the open town meeting process was outdated and therefore should be eliminated or, at the very least, substantially modified.

## The Work of the Charter Commission

For the past eighteen months, the Charter Commission has analyzed every component of town government and has reviewed governmental forms in other towns. We surveyed and/or interviewed Sharon's elected officials, appointed boards and department heads including, but not limited to: the Board of Selectmen; the Town Administrator; the Town Clerk; the Finance Committee; the Finance Director; the Superintendent of Public Works; the Police Chief; the Fire Chief; the School Committee; the Superintendent of Schools; the Planning Board; the Conservation Commission; the Capital Outlay Committee; the Economic Development Committee; the Personnel Board; and the Town Moderator. In addition, we met publicly with officials from the towns of Burlington, North Reading, Franklin, Dedham, Mashpee, Norfolk, Canton, Barnstable, Winthrop, Braintree, and Andover.

Finally, the commission assessed what members believed were core attractions of Sharon as a place to live. In particular, our town is unique given its attractive environment, excellent schools, high level of safety and a government that is accessible and encourages citizen participation. In short, it is an excellent place to settle, bring up children, and be a part of a rewarding community.

At the same time, a majority of the commission recognizes that as our town has changed over its 240-year history, so have the challenges facing it. Sharon no longer is the rural community it was for most of its history; today it is a vibrant bedroom town that provides an array of direct services to its citizens at a cost of approximately sixty-five million dollars annually. The proposed charter offers a structure that will help the town to meet the challenges of providing expected services at an affordable cost, well into the twenty-first century. Significantly, the commission recognizes that the town has a limited tax base that relies heavily on residences as opposed to commercial properties to provide revenue. As such it is essential that there be greater collaboration among public officials to improve overall efficiency throughout town government. In addition, the majority believes that the changes we propose will encourage volunteerism by townspeople with the qualifications and skill sets which are in demand by town boards and committees.

The commission spent a great deal of discussing town meeting, addressing what most felt were its flaws and how the legislative branch of town could better serve those who live here. Specifically, there was concern that town meeting participants often did not possess the information needed to make reasoned decisions in advance of meetings because it was not made available and that the town meeting process itself is sufficiently frustrating as to discourage participation. Some members felt that poor town meeting attendance called into question its legitimacy; town meeting should represent the will of the public, but low attendance is the norm. Conversely, some members felt strongly that despite its flaws, a citizen legislature open to all registered voters without qualification is an important manifestation of democracy that should be preserved in Sharon. It gives people a direct say in the matters that affect their quality of life. It is within this context, and in an attempt to balance competing concerns, that we focused our deliberations and made the recommendations contained in the proposed charter.

### Goals of the Charter

Within town governments, generally, there are essentially four branches: the executive branch - comprised in Sharon of a three-member Board of Selectmen; a legislative branch comprised in Sharon of an open town meeting; an administrative branch headed in Sharon by a Town Administrator and the Superintendent of Schools and a regulatory branch which in Sharon includes the Board of Health, the Planning Board, the Conservation Commission and the Zoning Board of Appeals. In addition, in Sharon there are numerous other boards and committees that help the executive branch

set policy and multiple-member committees (Priorities and Capital Outlay) for development of annual operating and capital outlay budgets.

When drafting the particular provisions of the charter, we have attempted to achieve the following goals that we believe will provide for better government in Sharon:

1. Foster greater collaboration and planning among decision makers in town from both a strategic planning perspective as well as on an ongoing administrative basis;
2. Create a legislative branch of local government that is efficient, deliberative, and representative and encourages citizen participation.
3. Provide for clear accountability of town officials;
4. Encourage volunteerism by qualified residents who possess skill sets that would be helpful to the mission of town boards and committees;
5. Assure accessibility to government officials by residents and a free and open discussion of issues facing the town;
6. Fill gaps in the present structure – particularly in the area of the long range planning to ensure the continued economic viability and quality of life in the town.

### The Draft Charter

The draft charter consists of nine articles that have been drafted with an attention to necessary detail and, in some cases, unavoidable legal “term of art” language that collectively sets out the proposed structure of government going forward. In most areas of government, neither the organization nor the responsibilities of boards, commissions or town officials have been changed. However, there are some significant changes which will be addressed below.

Clearly, the most important change that is being proposed is in the legislative branch. The proposed charter creates a model that divides town meeting into two parts: a Legislative Committee and an open town meeting.

Under this procedure, all warrant articles proposed by the Select Board, independent boards, or by petition of ten citizens would go first to the Legislative Committee for consideration. The committee will be comprised of seventeen members who will be elected to two-year staggered terms. Two members will be elected from each of the five precincts, and seven members will be elected by the whole town. All meetings of the Legislative Committee will be presided over by the Town Moderator.

To assure public awareness of the Legislative Committee’s activities, numerous notice requirements have been imbedded into the charter. At the very least, all proposed

warrant articles referred to the Legislative Committee will be posted on the town website and additional methods of notification may be proscribed by by-law.

To be sure, the Legislative Committee will deliberate on each article in an open forum. It is intended that, prior to voting on any article, the Legislative Committee shall hold hearings during which it will seek input from the various boards and committees, citizens, town officials, stakeholders, etc. The charter requires that there must be advance notice to the public, along with an agenda, of all its meetings. Members of the Legislative Committee will be able to ask and answer questions at their meetings, have a back and forth debate, and amend a proposal in response to what they learn. In addition, members of the public will have the opportunity to ask questions and air their views at these meetings. The vote will occur only when an article is fully formed and the Legislative Committee has all the information it feels it needs in order to be fully informed. Their action does not become official until it has been filed with the Town Clerk and posted on the town website and through other formal notification procedures.

To ensure that voters retain their right to have a direct say on matters they find particularly important, there is a simple petition process to bring an article to open town meeting if a voter disagrees with the action of the Legislative Committee. Under the provisions of the charter, any voter may take out a petition seeking review of a warrant article by an open town meeting. If a petition is taken out within ten days and returned with the signatures of at least three percent of the registered voters (currently 360 people) within twenty-one days of the posting of the vote, the action of the Legislative Committee is vacated and will automatically be taken up at an upcoming open town meeting. In order to avoid last minute language changes which are confusing to those voting, particularly when considering the more complex articles, an article will not be able to be amended substantively during an open town meeting, from the language voted by the Legislative Committee. The one exception to this is that budget appropriations can be reallocated amongst line items as long as the changes are within the applicable funding cap.

Another important addition to the deliberative process is that prior to being considered at an open town meeting, summary arguments in favor of and opposed to the Legislative Committee's action will be distributed to voters to enhance understanding of what people are being asked to vote on. Finally, only after the Town Moderator has determined that there has been a sufficient opportunity for both opponents and proponents to be heard, the open town meeting can vote to approve or reject the proposed article as voted by the Legislative Committee.

As referenced above, a majority of the Charter Commission believes that this method of deliberation over warrant articles will be a vast improvement over the way it is done in Sharon today. It is felt that this process will result in voters having the opportunity to participate in the decisions of issues they feel are most important which face the town while delegating the management of most of the warrant to the

Legislative Committee. Not only will this process be a more efficient use of the voters' time, but it we believe it will result in better qualitative decision-making for the town.

The second significant change is the establishment of a Long Range Planning Committee with clear responsibility to draft a comprehensive, long-term master plan for the town. The purpose of this is to coordinate policies in such areas as land use planning, economic development, natural resources, cultural resources, historic resources, conservation and open space planning, housing development, commercial development, and the provision of town services. The work of this committee will serve as a framework within which priorities for the town are identified, plans for achieving them can be developed and proposals can be analyzed. It is the intent of the commission that the impact of those policies will be reflected in the reports relative to 'future years' and the 'town's strategic goals' which will be required to be addressed in the annual budget message and, as such, the budget will be derived from the integrated analyses and tradeoffs addressed in the comprehensive plan.

In addition the committee will have an affirmative responsibility to comment on any article (most often zoning and capital spending) that could affect the town's progress toward its long-term goals. In addition the charter gives the Standing Building Committee the affirmative responsibility to prepare an annual report, and the Capital Outlay Committee the affirmative responsibility to consult with the appropriate departments and make recommendations on facility maintenance expenditure, town facilities and any deficiencies. A majority of commission members felt strongly that these planning efforts, largely uncoordinated at present, are manifestly important to the town going forward.

Third, the charter will change the way members of most town boards and committees are filled. Presently, members of the Planning Board, Board of Library Trustees, and Board of Assessors are elected. The charter provides that these positions, as well as the Town Clerk, be appointed by the Select Board (formerly the Board of Selectmen). This change is being proposed because it is believed that the appointment process, rather than election, would make serving in these positions more attractive to many who would provide valuable assistance to the town but who find the election process intimidating. A majority of commissioners believe that it is important for the town to fill these important and professionally demanding positions from the largest possible field of qualified applicants. Further upon review of the past elections it was clear that a high percentage of the elections were uncontested and that voter turnout for these positions was comparatively lower than for other positions such as the Select Board or issues such as overrides.

Fourth, the charter formally establishes the office of Town Administrator and officially delegates to that office authority to run the day-to-day operations of the town, which, at present, is actually vested in Board of Selectmen. A majority of the commission believes that the better model of government is one whereby there are

volunteer citizen policy makers and professional administrators to whom execution is delegated. However, the charter provides some important limitations to otherwise unfettered authority, particularly with respect to the independent regulatory boards, that are not under the jurisdiction of the Town Administrator, and their employees. We believe that this has been accomplished in the charter and that this model will provide for better government going forward.

Fifth, the charter provides for a seven-member school committee, rather than six that exists presently. This change is necessary due to a change in state law that requires that multiple member boards consist of an odd number of members.

It is important to reiterate that while some significant changes are, indeed, being proposed, many of the more effective practices are being retained, and, indeed codified in the charter. The most prominent of these practices are the Priorities Committee process and the Capital Outlay Committee process. These committees, whose task is to make recommendations for the allocation of operating revenue and capital expenditures respectively, represent the model of collaboration that we believe the charter advances.

### The Articles of the Charter

Article 1 is the formal declaration of the charter, an overview of what it intends to accomplish and statements of important values the charter is intended to embody such as the expectation of the highest ethical standards for town officials and the importance of diversity in filling positions within the town. In addition, this article provides legal definitions of some key terms used throughout the text.

Article 2, as stated above, describes the design of the legislative branch that was intended to maintain many of the perceived strengths of town meeting, while addressing many of its perceived weaknesses. As referenced above, a majority of the Charter Commission believes that this method of deliberation over warrant articles will be a vast improvement over the way it is done in Sharon today. It is felt that this process will result in voters having the opportunity to participate in the decisions of issues they feel are most important which face the town while delegating the management of most of the warrant to the Legislative Committee. Not only will this process be a more efficient use of the voters' time, but it we believe it will result in better qualitative decision-making for the town.

Article 3 specifies those town officials who will be elected to office, the election processes involved, and a description of each the powers and duties of each position. The result of the structure proposed in the charter is:

- The Select Board, School Committee, Town Moderator, the Legislative Committee and the Housing Authority will be elected per state regulations.
- Other currently elected positions – the Library Trustees, Planning Board, Town Clerk, and Town Assessors - will now be appointed by the Select Board in an

open process as is used for appointing members to the Conservation Committee and other current committees.

- Order of candidates on the election ballot will be drawn by lot by the Town Clerk rather than listed by alphabetical order with incumbent's name first, as is currently done.
- The process for filling vacancies on elected boards, except for the moderator and the Select Board, will be done by a vote of the Select Board, School Committee, and Legislative Committee.

Article 4 establishes the position of the Town Administrator and defines its powers and duties. Historically, the title for this position has been the "Executive Secretary To The Board of Selectmen", which does not convey the true scope of responsibility of the job. This article was another area of the charter that occupied a substantial amount of the attention of the charter commission to assure clarity and reflect the intent to provide some limitations on the authority of the town's chief administrator. It sets forth the powers and duties of the position, many of which, as a practical matter, are presently delegated by the Board of Selectmen. The major change from current practice is that the Town Administrator would have greater responsibility, under policies established by the Select Board, for hiring, supervising, evaluating, disciplining and, if necessary, removing the town's senior management employees. The Select Board would continue to appoint members of multi-person citizen boards and committees.

Article 5 establishes the organization of the general government in Sharon. With respect to the administration, these provisions establish criteria for hiring, (including the clear requirement that employees must be hired based on merit and relevant criteria for the position being filled), define clear lines of authority for managers, and give certain managers under the Town Administrator the responsibility for hiring, promoting, and disciplining employees in their departments. This ensures that the police chief, the fire chief, the library director have the authority, within established policies and in compliance with all by-laws, to make the decisions necessary to carry out their responsibilities. Finally, the Select Board will be required to certify that all newly hired employees have been hired and compensated in accordance with town policies, by-laws, and applicable employment agreements.

With respect to citizen boards and committees, this article creates a Long Range Planning Committee and formalizes the Capital Outlay Committee and the Priorities Committee. It is intended that the Long Range Planning Committee's mission of developing a comprehensive plan for the town will serve to provide a framework for the development of operating budgets, capital planning and the consideration of any future large scale development proposals and applicable zoning changes. A majority of the members of the commission believes that the process set forth in this section will be an

important component of decision making in the future and the town will be well served by it.

The charter also provides for an expansion of the missions of both the Capital Outlay Committee and the Standing Building Committee. Going forward, the Standing Building Committee will be charged with the obligation to periodically assess all town facilities and report on their condition to the town. The commission felt that given the particular qualifications of those who serve on the Standing Building Committee, this body is the most appropriate to undertake this important function, which has been often overlooked in the past. In turn, in addition to consolidating and recommending proposals for capital expenditures from town departments, the Capital Outlay Committee will receive the facility assessment reports from the Standing Building Committee, prioritize the need for attention to facilities and provide ongoing five-year projections so adequate planning can be undertaken.

In sum, a majority of the commission felt that this administrative organization and the missions directed to its different components will provide for greater collaboration and knowledge among town officials in the development of policy and administration thereof.

Article 6 establishes a Finance and Audit Committee that reports to the Legislative Committee. Where the Legislative Committee is responsible as the legislative body for all articles presented by the Select Board, the commission believes additional assistance would be needed to analyze the budget proposals and other financial matters. The Finance and Audit Committee will perform duties similar to the current Finance Committee but more limited in scope. Two of the members of the Finance and Audit Committee will be members from the Legislative Committee. The Legislative Committee will appoint the remaining five members. The Finance and Audit Committee will also be allocated two seats each on both the Capital Outlay Committee and the Priorities Committee.

Another change introduced by Article 6 would be to designate the Finance and Audit Committee as the focal point for the annual audit, shifting this oversight from the Select Board. This change would follow governmental best practice to separate audit oversight from the executive board of the town.

The remainder of Article 6 enhances and formalizes the budget process currently followed. Whereas today our town administration and town boards work diligently and effectively to forecast revenue, review budgets and collaborate with all interested parties, the language of Article 6 formalizes the entire process. This includes introducing definitive dates for such things as approval of the budget by the Legislative Committee so that the entire budget process can stay on track and be completed in a timely manner.

As part of this formalized budget schedule, and to allow for potential appeals to the decisions of the Legislative Committee, the annual town meeting and town election dates would be shifted slightly later in the year. The annual town meeting, if one were required, would occur on the third Monday in May. The town election would shift to the second Tuesday in June.

The components of today's process that have been deemed extremely effective are integrated explicitly into the budget process. This includes the current Priorities Committee and the Capital Outlay Committee. The remaining key theme introduced in Article 6 is the explicit requirement to broadly disseminate information contained in revenue projections and budget analysis.

Article 7 includes technical and administrative language required to make the charter legal, allow it to be updated and amended, protect its intent and ensure that the town's electoral procedures are consistent, and govern the operation of boards and committees. It also requires the appointment of a Charter Review Commission every ten years, whose function will be to review and make recommendations as to the need for changes in the charter. Similarly it requires the appointment of a By-law Review Committee whose function will be to review the town by-laws and recommend any changes. It requires boards and committees to keep minutes and post them, record votes in the meeting, and have a quorum of their full body to take action.

Article 8 addresses the concerns that the commissions considered which were not addressed in the charter, but deserve serious consideration by the town. Most of these issues could be categorized as "trying to be ahead of the curve" or good management concepts.

The commission spent considerable time considering how best to deal with the administration of facilities maintenance, as history has shown that preventative maintenance of our town buildings has often fallen victim to a lack of coordinated oversight. While the charter does not mandate it, the commission recommends that the town consider the establishment of a Consolidated Facilities Department with sufficient resources to properly maintain town buildings and facilities. The charter addresses this issue by requiring the assessment of facilities by the Standing Building Committee and its resulting recommendations by the Capital Outlay Committee. However, the commission would have preferred inclusion of a facilities department as well as part of the town administration, but did not do so because of the cost associated with the hiring of personnel.

Similarly, the commission considered the inclusion of a Planning Department as part of the administration. This contemplates the hiring of a professional planner which most of the members of the commission believe would be beneficial to the town. However, due to the cost associated with the creation of such a department, and the fact that a Long Term Planning Committee with specific coordinating responsibility is being

proposed; the commission did not include the creation of a planning department in the charter.

Finally, the commission observed that in numerous aspects, the town would benefit by a greater reliance of technology, particularly in the area of information dissemination. While existing rules provide for manual posting of public notices on a bulletin board in Town Hall, and the mailing of town meeting warrants via the post office, the commission recommends that the town increasingly rely on the Internet for communication of important information to citizens. To that end, the charter requires that notices and certain public documents be posted on the town web site. Nevertheless, we recommend that the town adopt an “e-mail opt in” policy whereby voters may give permission to the town to be contacted by e-mail. This is one example, among many, which could foster greater collaboration and better management of town affairs through the use of technology.

#### Submission for Ratification

At this time, we present for consideration, a charter that we believe will provide for the most effective form of government suitable for this and future generations of Sharon residents, and we urge its approval by the voters of Sharon at the annual town election on May 18, 2010.

We wish to recognize the contribution of Attorney Michael P. Curran, whose expertise in the area of charter development for municipalities in Massachusetts is unmatched. His guidance and technical understanding is amply reflected in the language of the charter for which the entire commission is enormously grateful.

We also wish to recognize and thank our administrative secretary, Helen Campanario, whose diligence, organization, and endurance under some stressful and exhausting circumstances is so appreciated.

We also wish to express our appreciation to the voters for the confidence they have instilled in us in undertaking this important task for the future of the town.

Finally, we wish to remember our friend and fellow commissioner, George Bailey, who passed away during the duration of our work this year. It is without question that the effort required to pursue a Charter Commission in Sharon would not have occurred absent George’s energy, commitment and guidance. It is, therefore, in recognition of his approximately half century of voluntary public service to the Town of Sharon that we dedicate this charter to George Bailey.

Respectfully submitted,

SHARON CHARTER COMMISSION

Margaret Arguibau

Allen Garf  
Allen Garf

Paul Izzo  
Paul Izzo, Clerk

Sam Liao

Abigail Marsters  
Abigail Marsters

SOP  
Susan Osgood Peck

Paul Pietal  
Paul Pietal, Vice Chair

Colleen M. Tuck  
Colleen M. Tuck

Andrew D. Nebanzahl  
Andrew D. Nebanzahl, Chair

Mr. Sam Liao did not participate in the deliberations over the Charter or the drafting of the Report.

## **Minority Report**

This minority report is written taking into account the hundreds of hours spent drafting the Charter, and it is not meant to degrade that effort.

I believe that most of the goals of the Charter Commission, as described in the Charter Report, could be achieved without adopting this Charter, and that in changing the legislative body of the Town from an Open Town Meeting to a Representative Town Meeting of only 17 members, this Charter takes away the right and ability of most townspeople to exercise a direct voice in important decisions affecting their lives and the place where they live. Once removed, it is likely gone for good. Preserving this right to vote directly and unrestricted at a true Open Town Meeting is so important that this change in legislative body alone makes this Charter unacceptable to me, and I therefore cannot support this Charter proposal.

**Article 2** substantially changes the legislative branch, which makes legally binding decisions for the Town as a whole about essential matters like the budget and capital outlays, land use, commercial development, conservation and recreational space, housing development, and zoning.

The proposed Legislative Committee is a 17-member Representative Town Meeting (RTM) (or arguably a council). The so-called "Open Town Meeting" option for townspeople to vote yes/no (without amendment) on Legislative Committee decisions, if they are first able to collect 360+ signatures in a "review petition", is not a true Open Town Meeting, as the term is understood in the statutes and as it is practiced in Sharon and the majority of Commonwealth towns today. A true Open Town Meeting must be accessible to all 10-citizen warrant initiators and to townspeople's direct voting on all warrant articles. No hurdles, such as proposed in this Charter, may restrict these rights.

The so-called "Open Town Meeting" terminology was specifically retained in this Charter to placate people who want to keep true Open Town Meeting and continue being able to speak AND vote on issues themselves. Restriction of this access is my main objection to adoption of this Charter.

**Article 3** changes certain Town officials from elected to appointed, but I see no pressing need for these changes; there has been no significant controversy in Town over elected/appointed. The ability to elect officials gives voters more of a vested interest than having them appointed. The argument that sometimes few

people run for office and uncontested spots equal "self-appointment" is a result of a combination of issues not guaranteed to be remedied by a Charter. It is interesting to note that while the proposed Charter decreases the number of currently elected positions, it proposes an additional 17 elected slots to establish the Legislative Committee.

**Article 4** gives an inordinate amount of authority and oversight to the Town Administrator, relative to hiring, firing, appointing, and evaluating many employees, boards, and agencies. The position has that power at present, but at the direction of the Board of Selectmen (BOS). The Charter removes any involvement by the BOS.

**Article 5** incorporates the present Priorities and Capital Outlay Committees and creates a Long Range Planning Committee (LRPC). An LRPC can be established without Charter, via bylaw, following the example of the Priorities and Capital Outlay committees.

**Article 6** sets up finance and fiscal procedures. Recently the Town has implemented changes (without Charter) in its management of Town finances with positive results. The Charter creates time lines for budget preparations that may be unrealistic because of unavailable data by deadline dates, given the Town's need to rely on state funding and its uncertainty from month to month. The present system, though not perfect, is one that has been managed.

**Article 7** provides general conditions, rules, and regulations needed in a Charter, if one has a Charter, but many already exist or could be implemented without the need for the proposed Charter.

**Article 8** explains transition events if the Charter is adopted. It also provides for a petition to the General Court (state legislature) for a special act to validate the Charter. If this Charter is adopted by majority vote, the petition will automatically be made. The last-minute insertion of this request for state validation is an attempt to resolve doubts expressed by the Attorney General with regard to the legality of some Charter provisions and to protect the Charter from legal challenges.

Keeping in mind the goals set by the Charter Commission at the beginning of its work, please consider the following:

The recognized need to "foster greater collaboration and planning among decision makers" and "filling gaps in the present structure" (goals 1 and 6) can be

addressed by a planning and facilities management policy and committee(s) established by bylaw.

Retaining oversight of the Town Administrator by the elected Board of Selectmen (rather than having one unelected person vested with all authority over Town departments) would assure clearer accountability.

The significant amount and quality of volunteerism is highly valued and unanimously recognized by the Charter Commission as one of the Town's best assets. The willingness of people to run for elected office, or apply for openings on boards and committees, is to be commended. The ability of residents to elect those volunteers by voting where appropriate does not take away from working on the "mission of Town boards and committees" (goal 4).

The terms efficient and deliberative may be argued in relation to Open Town Meeting (OTM) as it exists today, but actions can be taken to effect positive change in those areas without adopting a Charter.

However, "encouraging citizen participation" and "assuring accessibility to government officials by residents and a free and open discussion of issues facing the Town" (goals 2 and 5) are nowhere more evident than in the democratic practice of our present Open Town Meeting.

Since the proposed Charter takes away the right and ability of each voter to vote on Town issues solely by choosing to attend Town Meeting (or not), it is something I will not support.

Margaret D. Arguimbau

# **SHARON HOME RULE CHARTER, 2010**

**Submitted: November 9, 2009**

**By                   Sharon Charter Commission**

# **ARTICLE 1**

## **INCORPORATION; SHORT TITLE; DEFINITIONS**

### ***SECTION 1-1: INCORPORATION***

The inhabitants of the Town of Sharon, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "Town of Sharon."

### ***SECTION 1-2: SHORT TITLE***

This instrument shall be known and may be cited as the Sharon Home Rule Charter, 2010.

### ***SECTION 1-3: DIVISION OF POWERS***

The administration of the fiscal, prudential and municipal affairs of Sharon, with the government thereof, shall be vested in an executive branch headed by a select board, with an administrative service headed by a town administrator and a legislative branch consisting of an elected legislative committee and an open town meeting.

### ***SECTION 1-4: POWERS OF THE TOWN***

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or in the general laws of the Commonwealth, it is the intention and the purpose of the voters of Sharon through the adoption of this charter to secure for themselves and for their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated herein.

### ***SECTION 1-5: CONSTRUCTION***

The powers of the Town of Sharon under this charter are to be construed liberally in favor of the town, and the specific mention of any particular power is not intended to limit the general powers of the town as stated in section 1-4.

### ***SECTION 1-6: INTERGOVERNMENTAL RELATIONS***

Subject only to express limitations in the constitution or general laws of the Commonwealth, Sharon may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any agency or political sub-division thereof, or with the United States government or any agency thereof.

### ***SECTION 1-7: ETHICAL STANDARDS***

Elected and appointed officers and employees of the town of Sharon are expected to demonstrate, by their example, in their general conduct and in the performance of their duties and responsibilities, the

highest ethical standards, to the end that the public may justifiably have trust and confidence in the integrity of its government. Elected and appointed officers and employees of the town of Sharon are expected to recognize that they act always as agents for the public, that they hold their offices or positions for the benefit of the public, that the public interest is their primary concern, and that they are expected to faithfully discharge the duties of their offices regardless of personal considerations. Elected and appointed officers and employees of the town of Sharon shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege or exemption to themselves or to any other person beyond that which is available to every other person.

### ***SECTION 1-8: REPRESENTATION AND DIVERSITY***

The voters of Sharon are cognizant of and support federal and state laws, which provide for non-discrimination and openness in appointment and hiring practices. In recognition of these statutes, and in support of them, it is expected that the appointing authorities will, when selecting persons to be appointed to offices or positions of the town, make a good faith effort to assure that the interest of every citizen, in every section of the town, is considered, to the end that the town government will reflect the diversity of the entire community of Sharon.

### ***SECTION 1-9: DEFINITIONS***

Unless another meaning is clearly apparent from the manner in which the word or phrase is used, the following words and phrases as used in this charter shall have the following meanings:

- (a) **Charter** - The word "charter" shall mean this charter and any amendment to it hereafter adopted.
- (b) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.
- (c) **Forthwith** - The word "forthwith" shall mean immediately; without delay; directly; promptly; within a reasonable time under the circumstances.
- (d) **Full Board, Committee, Full (other) Multiple Member Body** - The words "full board" or "full committee" or "full (other) multiple member body" shall mean the entire authorized complement of the select board, school committee or other multiple member body notwithstanding any vacancy which might exist.
- (e) **general laws** - The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two or more cities, or cities and towns of which Sharon is a member.
- (f) **General Laws** - The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (g) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation within Sharon, with either a weekly or daily circulation.

- (h) **Majority Vote** - The words "majority vote" when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by by-law, by law, or by its own rules.
- (i) **Measure** - The word "measure" shall mean any by-law, order, resolution, or other vote or proceeding adopted, or which the legislative committee or the town meeting might adopt.
- (j) **Multiple Member Body** - The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted.
- (k) **Organization or Reorganization Plan** -The words "organization or reorganization plan" shall mean a plan submitted by the town administrator which proposes a change in the organization of the administrative structure of the town government, or to change the way in which a municipal service, or services, are delivered. Such plan may be complex and consist of many parts, or it may be simple and brief.
- (l) **Policy** - The word "policy" shall mean a course of action, guiding principle, or procedure considered expedient, prudent, or advantageous adopted by the select board, or other multiple member body, for the express purpose of and intended to influence and determine decisions, actions, and other matters by administrative personnel serving under the select board or other multiple member body.
- (m) **Quorum** - The word "quorum" shall mean a majority of all members of a multiple member body unless some other number is required by law, or by by-law.
- (n) **Review Petition** – The words “review petition” shall mean a petition brought by voters requesting that an action taken by the legislative committee be referred to an open town meeting for resolution.
- (o) **Town** - The word "town" shall mean the town of Sharon.
- (p) **Town Agency** - The words "town agency" shall mean any multiple member body, department, division, or office of the town of Sharon.
- (q) **Town Bulletin Boards** - The words "town bulletin boards" shall mean the bulletin board in the town hall on which the town clerk posts official notices of meetings and upon which other official town notices are posted, and the bulletin boards at any other locations as may be designated town bulletin boards by the select board, or by by-law.
- (r) **Town Website** - The words “town website” shall mean a collection of web pages, images, videos, or other digital assets, or any other similar electronic presence, maintained or managed by the town, freely accessible by the public at all times.
- (s) **Voters** - The word "voters" shall mean registered voters of the town of Sharon. Whenever a reference is made to the number of voters it shall mean that number of voters, determined

annually, as of five o'clock PM on the last business day of the first week in January, by the town clerk, to be used during that calendar year.

## ARTICLE 2

### LEGISLATIVE BRANCH

#### ***SECTION 2-1: IN GENERAL***

In the town of Sharon the legislative branch shall consist of a legislative committee which shall consider and act on all articles submitted to the legislative branch by the select board, the actions of which shall be deemed to be final and dispositive, unless a review petition requesting action on such articles by an open town meeting is filed in accordance with the requirements of section 2-6; and a town meeting open to all voters which shall consider and act finally on all articles which are sent to it in accordance with the requirements of section 2-6.

#### ***SECTION 2-2: LEGISLATIVE COMMITTEE***

There shall be a legislative committee as provided in section 3-4 of this charter. The legislative committee shall have all of the powers, duties and responsibilities of a representative town meeting and its actions shall be final unless a valid review petition requesting action by an open town meeting is filed as provided in section 2-6.

#### ***SECTION 2-3: INITIATION OF WARRANT ARTICLES***

(a) ***Initiation*** - The select board shall receive all petitions addressed to it which request the submission of particular subject matter to the legislative branch and which have been requested by a town agency, or are signed by ten or more voters. All requests for the inclusion of subject matter shall be in writing, but shall not otherwise be required to conform to any particular style or form, except that each request for a particular subject shall be submitted as a separate petition.

(b) ***Notification of Proposed Articles*** - All subjects to be acted on by the legislative branch shall be placed on warrants issued by the select board. Forthwith following receipt of any proposed warrant article the select board shall cause a copy of the proposal to be forwarded to the town moderator and the members of the legislative committee; and a copy to be posted on the town bulletin board, on the town website and such other distribution as may be required by law, or by by-law.

(c) ***Inclusion on Warrant*** - The select board shall frequently issue warrants containing specific subject matter in the form of warrant articles and directing the legislative committee to meet at a specific time and place, not less than fourteen days following the issuance of the warrant. The publication of each warrant shall be by posting on the town bulletin board and on the town website, and in such additional manner as may be provided in a town by-law, or legislative branch rule, governing such matters.

#### ***SECTION 2-4: PRESIDING OFFICER, LEGISLATIVE COMMITTEE***

The moderator, elected as provided in section 3-5, shall preside at all sessions of the legislative committee and of the open town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and

duties as may be authorized by general law, by this charter, by by-law, or by other vote of the legislative branch. If the moderator is absent or otherwise unavailable, the deputy moderator shall serve as acting moderator.

#### ***SECTION 2-5: CLERK OF THE LEGISLATIVE COMMITTEE***

The town clerk shall serve as clerk of the legislative branch, give public notice of all sessions and adjourned sessions of the legislative committee and the open town meeting, thereof; record, in accordance with General Laws chapter thirty-nine, section fifteen and chapter forty-one, section fifteen, its proceedings; and perform such additional duties in connection therewith as may be provided by general law, by this charter, by by-law, or by other legislative branch vote.

#### ***SECTION 2-6: PROCEDURES GOVERNING LEGISLATIVE COMMITTEE***

**(a)     *Public Meetings*** – All meetings of the legislative committee shall be open and public, unless otherwise authorized by general law. The legislative committee shall be deemed to be a continuing body.

**(b)     *Organization*** –The legislative committee may provide for the establishment of sub committees, which shall include at least one member of the legislative committee and may include other town voters.

**(c)     *Public Notice of Legislative Committee Meetings*** – The legislative committee shall give public notice of the subject matter of its meetings by posting its agendas on the town bulletin board and by publication on the town's website. Additional methods of notice may be provided by by-law.

The legislative committee may at a single meeting consider the subject matter of warrants submitted to it by the select board at different times and on different warrants. The legislative committee shall provide a method to distinguish the subject matter it is considering at its meetings by the warrant date and article number of its submission.

**(d)     *Voter's Right to Speak*** – Voters shall have a right to speak at sessions of the legislative committee, but not to vote, subject to such rules as may from time to time be adopted by the legislative committee.

##### ***(e)     Scope of Inquiry by Legislative Committee***

(1) In General – The legislative committee may, in conjunction with the study of any matter under consideration by it, make investigations into the affairs of the town and into the conduct and performance of any town agency and for this purpose it may subpoena witnesses, administer oaths and require the production of evidence.

(2) Notice - The legislative committee shall give reasonable notice to any person it may require to appear before it under the provisions of this section. The notice shall include specific areas of inquiry on which the legislative committee seeks information and no person called to appear before the legislative committee under this section shall be required to respond to any question not relevant or not

related to the areas of inquiry identified in advance and in writing. Notice shall be by delivery in hand, or by first class mail to the last known place of residence, or place of business, of any such person.

**(f)     *Scope of Actions to be Taken by Legislative Committee***

(1) Affirmative and Final – The final vote of the legislative committee may be affirmative, adopting the subject matter of the warrant article in whole or in part. In adopting a warrant article, the quantum of vote of the legislative committee shall be that required for town meetings, by general law.

(2) Negative and Final – The final vote of the legislative committee may be negative, rejecting the subject matter of the warrant article.

(3) In General – The legislative committee may issue a written report concerning any warrant article to inform the voters of its intent, and the basis or reasoning for its action. Copies of any such report of the legislative committee shall be placed on file in the office of the town clerk and at the office of the select board and shall be posted on the town website.

If the action of the legislative committee on any warrant article is to be reconsidered at an open town meeting, a statement in support of the warrant article and a statement in opposition to the warrant article shall be provided to the voters prior to the town meeting session pursuant to section 2-11.

(4) Voting – Except on procedural matters, all votes of the legislative committee shall be taken by roll call and the vote of each member shall be recorded; provided, however if the vote is unanimous only that fact need be recorded.

**(g)     *Effect of Actions Taken by Legislative Committee***

(1) In General – The vote taken by the legislative committee shall be the action taken on the subject matter of the warrant article by the town.

(2) Appeal from Action Taken by the Legislative Committee – The recommendation of the legislative committee shall be the final action of the town unless, within twenty-one days following the date the vote of the legislative committee is filed with the town clerk and copies posted as provided in 2-6 (f), (3), above, a petition, addressed to the select board, signed by a number of voters equal to at least three percent of the total number of voters, and requesting review of the legislative committee action by the town meeting, is filed with the town clerk, as provided below. If the petition is certified as containing the requisite number of signatures of voters, the final vote of the legislative committee shall be vacated.

(3) Review Petition - A review petition may be initiated by the filing of a written request to commence such petition with the town clerk and signed by at least one voter, within ten days following the date the notice of the legislative committee action was filed and posted, as provided above. If no such request has been filed at the expiration of the said ten days, the right to seek review shall be terminated.

The town clerk shall forthwith deliver to the voter(s) making a request to commence a review petition within the said ten days, copies of blank petitions requesting review of the legislative committee action

by the town meeting, copies of which printed forms the town clerk shall keep available. Such forms shall be issued by the town clerk, with signature and official seal attached thereto. The forms shall be dated, shall be addressed to the select board and shall contain the name(s) and residence address(es) of the person(s) who filed the request form, and the specific action of the legislative committee which it is requested be reviewed by the open town meeting. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk and notice of the petition shall be posted on the town website and on the town bulletin board. Said review petition shall be returned and filed with the town clerk within twenty-one days following the date the notice of the final action of the legislative committee was filed and posted. Voters shall sign such petitions with their name and residence address.

The town clerk shall forthwith submit the petition to the registrars of voters, and the registrars shall, within five working days, certify thereon the number of signatures which are names of voters.

If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with such certificate to the select board within five working days. The select board shall, in its discretion, determine whether review of the action of the legislative committee should occur at the next regularly scheduled open town meeting or at a special open town meeting to be held on a date fixed by it and not more than sixty days after the date of the town clerk's certificate that a sufficient petition has been filed.

#### ***SECTION 2-7: OPEN TOWN MEETING***

There shall be a town meeting open to all voters conducted to review any decision made by the legislative committee whenever a review petition, filed in accordance with the provisions of section 2-6, is found to be valid. At its first meeting held following receipt of notification that a valid petition has been filed the select board shall set a date for the convening of a session of the open town meeting for such purpose.

#### ***SECTION 2-8: PRESIDING OFFICER, OPEN TOWN MEETING***

The moderator, elected as provided in section 3-5, shall preside at all sessions of the open town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be authorized by general law, by this charter, by by-law or by other vote of the open town meeting.

#### ***SECTION 2-9: OPEN TOWN MEETING WARRANTS***

The warrants issued by the select board for sessions of the open town meeting shall consist only of those warrant articles on which valid review petitions, as provided in section 2-6, have been filed.

#### ***SECTION 2-10: CLERK OF THE OPEN TOWN MEETING***

The town clerk shall serve as clerk of the open town meeting, give public notice of all sessions and adjourned sessions of the open town meeting, record its proceedings, and perform such additional

duties in connection therewith as may be provided by general law, by this charter, by by-law or by other town meeting vote.

#### **SECTION 2-11: REPORT TO VOTERS**

There shall be published for every open town meeting a copy of the warrant for such meeting and a report to the voters which shall contain the explanation and relevant data submitted to the legislative committee, the final vote of the legislative committee and any report(s) generated under section 2-6(f),(3); provided, however, that, in the alternative and at the discretion of the legislative committee and, with respect to zoning articles, the planning board, voluminous supporting material necessary for consideration of the particular articles in lieu of inclusion in the report to the voters, may be made reasonably available for inspection at public locations prior to town meeting.

For each warrant article there shall be a summary statement prepared in support of the warrant article by the proponents and a summary statement in opposition to the warrant article prepared by the opponents. The town moderator shall, exercising due diligence, select the persons to prepare the summary materials. The town moderator shall issue regulations describing more particularly the preparation of the materials to be provided to assist voters in evaluating the issues involved.

One copy of the warrant and report shall be delivered, not later than the seventh day prior to the date on which the opening session of any town meeting is to be held, to each residence that contains one or more voters. A copy of the warrant and report shall also be posted on the town website.

The town shall, by by-law, provide additional details concerning the publication and distribution of the report to the voters.

#### **SECTION 2-12: PROCEDURES GOVERNING OPEN TOWN MEETING**

**(a) Public Meetings** – All sessions of the open town meeting shall be open and public, and any voter may attend the meeting, participate in the discussion and debate, and may vote on any question(s) presented.

**(b) Scope of Action by Open Town Meeting**

(1) In General – When acting on a review petition the town meeting vote shall be limited to acting on the matter as voted by the legislative committee, without amendment, except that, (1) if the matter being considered involves the appropriation of a sum of money the town meeting may vote to substitute another amount, higher, or lower, than the sum voted by the legislative committee and provided such amount is within the gross amount determined to be available for appropriation by the priorities committee, or (2) amendments deemed, by the town moderator, to be necessary to effectuate the purpose of the article shall be permitted.

(2) Quantum of Vote Required - The vote of the open town meeting to approve, or to reject, the action of the legislative committee shall require the quantum of vote as is required by general law for such action.

## ARTICLE 3

### ELECTED OFFICERS

#### ***SECTION 3-1: IN GENERAL***

(a) ***Elected Town Offices*** - The town offices to be filled by the voters shall be a select board, a school committee, a legislative committee and a town moderator.

(b) ***Other Offices Filled at Town Elections*** - In addition to the town offices enumerated above, members of a housing authority and such other officers or representatives to regional authorities or districts as may be established by law or by interlocal agreement may also be filled by ballot at town elections.

(c) ***Eligibility*** - Any voter shall be eligible to hold any elected town office, provided however, no person shall simultaneously hold more than one elected town office, or simultaneously hold an elected and an appointed town office, except as an ex officio member of a multiple member body. No elected town officer shall hold any town office or town employment for which a salary or other emolument is payable from the town treasury.

(d) ***Town Election*** - The annual election of town officers and for the determination of all questions to be referred to the voters, shall be held on such date as may be provided by by-law.

(e) ***Ballot Position*** - The names of candidates for each elective town office, and including candidates for re-election to the same office, shall be arranged according to the results of a drawing, by lot, conducted by the town clerk to which the candidates or their representatives shall be invited to attend.

(f) ***Compensation*** - Elected town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose, but, no elected officer regularly employed for fewer than twenty hours during the regular work week otherwise established for town employees shall be considered an employee for purposes of receiving group insurance benefits.

(g) ***Coordination and Cooperation*** - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the select board, the legislative committee or of the town administrator, at all reasonable times, for consultation, conference and discussion on any matter.

(h) ***Filling of Vacancies in Elected Offices***

(1) School Committee - If there is a vacancy in the office of school committee member the remaining members shall forthwith give written notice of the existence of such vacancy to the select board. After one week's notice, by publication in a local newspaper of the date on which the vote shall be taken, the select board, the legislative committee and the remaining members of the school committee shall fill such vacancy by a joint vote. The person chosen to fill any such vacancy shall

serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled by the voters.

(2) Select Board - If there is a vacancy in the office of select board member and more than one hundred and eighty days remain before the next regular town election, the remaining select board members shall, forthwith, order a special election to fill the vacancy. The select board shall also call a special election to fill a vacancy in the office of select board member if less than one hundred and eighty days remain before the next regular town election, upon the request, in writing, of two hundred voters, provided, however, that no such special election shall occur within one hundred and twenty days of a regular town election.

(3) Legislative Committee – If there is a vacancy in the office of legislative committee member the remaining members shall forthwith give written notice of the existence of such vacancy to the select board. After one week's notice, by publication in a local newspaper of the date on which the vote shall be taken, and the nature of the vacancy, whether at-large or from a precinct, the select board, the school committee, and with the remaining members of the legislative committee shall fill such vacancy by a joint vote. If the vacancy is in a precinct representative it shall be filled by a voter of that precinct. The person chosen to fill any such vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled by the voters.

(4) Town Moderator – If a vacancy shall occur in the office of town moderator, after one week's notice, by publication in a local newspaper of the date on which the vote shall be taken, the select board, the school committee, and the legislative committee shall fill such vacancy by a joint vote. The person chosen to fill any such vacancy shall serve in such office until the next regular town election at which the balance of the unexpired term, if any, shall be filled by the voters.

### ***SECTION 3-2: SELECT BOARD***

(a) ***Composition, Term of Office*** - There shall be a select board consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.

(b) ***Powers and Duties in General*** - The executive powers of the town shall be vested in the select board which shall be deemed to be the chief executive office of the town. The select board shall have all of the executive powers it is possible for a select board to have and to exercise. The select board shall serve as the chief policy making agency of the town. The select board shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple member bodies, to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony; provided however, nothing in this section shall be construed to authorize any member of the select board, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the select board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

**(c) Powers and Duties, Policy Guidelines to be Used in Budget Preparation** - The select board shall schedule one or more of its meetings during the month of November for the purpose of formulating policy goals and objectives for the ensuing fiscal year to guide the town administrator in the preparation of the annual operating budget and capital outlay program. Subsequent to the receipt of the revenue forecast and fiscal trends projections from the town administrator, as provided in section 6-2, the select board shall take up the setting of goals and the establishment of policies to govern the town administrator's preparation of the annual operating budget and capital outlay programs. The guidelines prepared by the select board shall be submitted to the town administrator as early as possible, but, in no event later than the fifteenth day of December, annually.

**(d) Licensing Authority** - The select board shall be a licensing board for the town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license.

**(e) Appointments** - The select board shall appoint a town administrator, a town counsel, a board of registrars of voters and other election officers, a board of assessors, a zoning board of appeals, a board of health, a planning board, a board of library trustees, a conservation commission, constables, and the members of all other multiple member bodies the functions of which do not involve direct operating responsibilities but are primarily policy making or advisory in nature. The select board shall appoint all persons who are to serve as representatives of the town to the governing or advisory bodies of area, county, regional or district authorities and where no other provision is made for appointments in the law or agreement establishing any such entity. The select board shall appoint the members assigned to it to those interagency committees established with appointments to be made by the select board and by one or more other town agencies.

**(f) Investigations** - The select board may investigate the affairs of the town and the conduct of any town agency including any doubtful claims against the town. Copies of the full text of the report of the results of any such investigation shall be placed on file in the office of the select board, the office of the town clerk and in the town library and a report summarizing the results of such investigation shall be printed in the next annual town report.

### **SECTION 3-3: SCHOOL COMMITTEE**

**(a) Composition, Term of Office** - There shall be a school committee consisting of seven members elected for terms of three years each so arranged that the terms of at least two members shall expire each year.

**(b) Powers and Duties** - The school committee shall have all of the powers, duties and responsibilities which are conferred on school committees by general laws and such additional powers, duties and responsibilities as may be provided by the charter, by by-law, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:

- 1) To appoint a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of said superintendent, to establish and appoint assistant or associate superintendents (as provided in section fifty nine of chapter seventy-one of the General Laws);
- 2) To make all reasonable policies for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;
- 3) To propose and to oversee the administration of an annual operating budget for the school department, subject to appropriation by the town legislative branch.

#### ***SECTION 3-4: LEGISLATIVE COMMITTEE***

(a) ***Composition, Mode of Election*** - There shall be a legislative committee which shall consist of seventeen members; two of these members shall be elected by and from the voters of each of the five precincts into which the town is presently divided, and seven members shall be elected by and from the voters of the town at large. Precinct committee members shall be elected for terms of two years each, so arranged that the terms of one member from each precinct shall expire each year. Committee members elected at large shall serve for terms of two years each, so arranged that at least three terms shall expire each year.

(b) ***Powers and Duties*** – The legislative committee shall have all of the powers, duties and responsibilities assigned by general laws to representative town meetings and such additional powers, duties and responsibilities as are provided in this charter. It is the intention of this provision that the legislative committee will improve and perfect every warrant article that comes before it so that the actions to be taken on behalf of the town in the exercise of its legislative duties and obligations will, to the extent practicable, be clear, certain, unambiguous and understandable.

#### ***SECTION 3-5: TOWN MODERATOR***

(a) ***Mode of Election, Term of Office*** - A town moderator shall be elected for a term of three years and shall serve as moderator of all sessions of the legislative committee and of the town meeting until a successor is elected and qualified. Any vacancy may be filled as provided in section 3-1(h), (4).

(b) ***Powers and Duties*** - The town moderator shall preside and regulate the proceedings at sessions of the legislative committee and at town meetings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen at that meeting. The town moderator shall have such other powers and duties as may be provided by by-law, or by other vote of the legislative branch. The town moderator may vote at meetings of the legislative committee, or the open town meeting, but only to break a tie vote.

As soon as practicable following the election of a town moderator, or whenever a vacancy in the office of deputy moderator exists, the town moderator shall appoint a deputy moderator to serve as acting moderator in the event of the temporary absence or disability of the moderator, or whenever the

moderator is otherwise unavailable to preside, whether at a session of the legislative committee or of the open town meeting.

## **ARTICLE 4**

### **TOWN ADMINISTRATOR**

#### ***SECTION 4-1: APPOINTMENT; QUALIFICATION; TERM***

The select board shall appoint a town administrator to serve for an indefinite term. The town administrator shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. A town administrator need not be a resident of the town or of the commonwealth at the time of appointment, but shall establish a residence within the commonwealth within one year following appointment unless this requirement is extended or waived by the select board. The town administrator shall be appointed from a list of candidates prepared by a screening committee established by by-law.

Specification of an indefinite term is not intended to prevent the select board from entering into an employment agreement with the town administrator covering issues not related to a term of office; provided, however, no such agreement shall provide for a severance payment in excess of the then annual salary payable to the office of town administrator.

The town may, by by-law, establish such additional qualifications as seem necessary and appropriate.

The town administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, nor actively engage in any other business, occupation or profession during such service, unless such action is approved in advance and in writing by the select board. This restriction shall not be construed to limit the town administrator's participation in related professional organizations or associations.

The select board shall provide for an annual review of the job performance of the town administrator. The performance criteria established by the select board shall be made public when adopted. At least a summary of the job performance evaluation made by the select board shall be made public.

#### ***SECTION 4-2: POWERS AND DUTIES***

The town administrator shall be the chief administrative officer of the town, directly responsible to the select board. The powers and duties of the town administrator shall include, but are not intended to be limited to the following:

(a) To supervise, direct and be responsible for the efficient administration of all functions and activities in the executive/administrative branch of the town government for which the office of town administrator is hereby given the authority, responsibility and control by this charter. Nothing in this section is to be construed so as, in any way, to interfere with the powers, duties and responsibilities of the school committee, or the superintendent of schools, as provided by general law.

(b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads and town officers for whom no other method of selection is provided by this charter.

Appointments made by the town administrator shall become effective on the fifteenth day following the day on which notice of the appointment is filed with the select board, unless the select board shall, within that period, by a majority of all its members, vote to reject such appointment, or has sooner voted to affirm it. The appointment of persons classified as town officers, department, or division heads shall be made from a list of candidates prepared by a screening committee established by by-law. The appointment of individuals as technical advisors or agents for the board of assessors, conservation commission, the board of health, the planning board, the zoning board of appeals, or persons serving in a similar capacity for any other town agency, shall be made by the town administrator from a list prepared by the agency, or agencies, which said technical person will serve as advisor or agent.

Copies of the notices of all appointments shall be posted on the town bulletin board, forthwith, upon submission to the select board.

(c) To be responsible for the administration of a town personnel system, including, but not limited to personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the town. The town administrator shall also prepare and keep current a plan establishing the personnel staffing requirements for each town agency, except the public library and the school department.

(d) To attend all regular and special meetings of the select board, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all of its proceedings.

(e) To assure that full and complete records of the financial and administrative activities of the town are kept and to render as often as may be required by the select board, but not less than once in each year, a full report of all town administrative operations during the period reported on, which report shall be made available to the public.

(f) To keep the select board fully advised as to the needs of the town and shall recommend to the select board and to other town officers and agencies for adoption such measures requiring action by them as the town administrator may deem necessary or expedient.

(g) To have full jurisdiction over the rental and use of all town facilities and property except property under the control of the school committee, the board of library trustees, or the conservation commission. All leases, rentals or other proposed commitments to authorize the use of any town property for a period extending for sixty days, or more, shall be subject to approval by the select board.

The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control and shall, if so authorized, in conjunction with the committee established in section 5-6, file an annual report with the select board, school committee and capital outlay committee, regarding the condition of such property and shall make recommendations regarding the maintenance, repair and long term needs of the town's physical plant.

(h) To prepare and present, in the manner provided in Article 6, a proposed annual operating budget for the town.

(i) To assure that a full and complete inventory of all property of the town, both real and personal, is kept, including all property under the jurisdiction of the school committee.

(j) To negotiate all contracts involving any subject within the jurisdiction of the office of town administrator, including contracts with town employees, except employees under the school committee, involving wages, hours and other terms and conditions of employment; all such proposed contracts shall be subject to approval or ratification by the select board.

(k) To be the chief procurement officer of the town responsible for purchasing all supplies, material and equipment for all departments and activities of the town, as provided in chapter thirty B of the General Laws. The town administrator shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material and equipment delivered to or received by any town agency. The town administrator shall be responsible for the disposal of all supplies, material and equipment which have been declared surplus by any town agency.

(l) To see that all of the provisions of the general laws, of this charter, town by-laws and other votes of the select board which require enforcement by the town administrator or officers subject to the direction and supervision of the town administrator, are faithfully executed, performed or otherwise carried out.

(m) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency.

(n) To reorganize, consolidate or abolish, in the manner provided in Article 5, town agencies serving under the supervision of the town administrator, in whole or in part, provide for new town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

(o) To attend all sessions of the town meeting, and of the legislative committee, to answer all questions raised relating to warrant articles, or to proposed warrant articles, which are within the scope of matters over which the town administrator exercises any authority or supervision.

(p) To encourage and to provide staff support for regional and intergovernmental cooperation.

(q) To promote partnerships among representatives of the legislative branch, town government agencies, staff, and Sharon residents in developing public policy and building a sense of community.

(r) To perform any other duties as are required to be performed by the town administrator by by-laws, administrative code or votes of the select board.

## **SECTION 4-3: DELEGATION OF AUTHORITY**

The town administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of town administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the town administrator.

## **SECTION 4-4: ACTING TOWN ADMINISTRATOR**

(a) ***Temporary Absence*** - By letter filed with the town clerk, the town administrator shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of town administrator during a temporary absence. During a temporary absence the select board may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator shall return.

(b) ***Vacancy*** - Any vacancy in the office of town administrator shall be filled as soon as possible by the screening committee established pursuant to section 4-1 and the select board, but, pending such regular appointment the select board shall appoint a qualified town administrative officer or employee to perform the duties of the office on an acting basis. Such temporary appointment may not exceed six months but one renewal may be voted by the select board not to exceed three months. Compensation for such person shall be set by the select board.

(c) ***Powers and Duties*** - The powers of a temporary or an acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

## **SECTION 4-5: REMOVAL AND SUSPENSION**

If the town administrator declines to resign when requested to do so by the select board, the select board may, by a majority vote of the full board, terminate and remove, or suspend, the town administrator from office in accordance with the following procedure.

(a) The select board shall adopt a preliminary resolution of removal by the affirmative vote of a majority of all its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town administrator for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the town administrator forthwith.

(b) Within five days following delivery of the preliminary resolution the town administrator may request a public hearing by filing a written request for such hearing with the select board. The hearing shall be held at a meeting of the select board not earlier than twenty days, nor later than thirty days after the date the request is filed. The town administrator may file with the select board a written statement responding to the reasons stated in the resolution of removal provided the same is received at its office more than forty-eight hours in advance of the public hearing.

(c) The select board may adopt a final resolution of removal, which may be made effective immediately, by the affirmative vote of a majority of all of its members not less than ten nor more than twenty-one days following the date of delivery of a copy of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or, within ten days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the town administrator shall, at the expiration of said time, forthwith resume the duties of the office. The town administrator shall continue to receive a salary until the effective date of a final resolution of removal. The action of the select board in suspending or removing the town administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the select board.

(d) In the event of a removal or suspension of a town administrator pursuant to this section the authority of the town administrator to appoint a temporary or acting town administrator as provided in section 4-4 shall be suspended and the assistant town administrator, if any, shall forthwith be the acting town administrator subject to a majority vote of the select board to substitute another person to serve as acting town administrator.

## ARTICLE 5

### ADMINISTRATIVE ORGANIZATION

#### ***SECTION 5-1: ORGANIZATION OF TOWN AGENCIES***

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

**(a) By-Laws** - Subject only to express prohibitions in a general law or the provisions of this charter, the legislative branch may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

**(b) Administrative Code** - The town administrator, after consultation with the select board, may from time to time prepare and submit to the legislative branch proposed plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the town administrator prepares such a plan the select board shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time, not later than fourteen days following said publication, and the place at which the public hearing will be held. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the legislative branch by an appropriate warrant article. The legislative branch may vote only to approve or to disapprove an organization or reorganization plan submitted under this paragraph and may not vote to amend or to alter it.

The administrative code, subject only to express prohibitions in a general law, or this charter, may reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

Every organization or reorganization plan submitted pursuant to this provision shall contain a proposed by-law which sets out, in detail, such amendments, insertions, revisions, repeals or otherwise of existing by-laws as may be necessary to accomplish the desired reorganization. Such reorganization plan, and proposed by-law, shall be accompanied by a message of the select board which explains the benefits expected to ensue to the town if the plan is adopted.

An organization or reorganization plan shall become effective at the expiration of thirty days following the date of receipt of the approval of the by-law, as provided in General Laws chapter forty,

section thirty-two, or such later date as may be specified in the by-law itself. The town meeting may vote only to approve or to disapprove an organization or reorganization plan submitted under this paragraph and may not vote to amend or to alter it.

### ***SECTION 5-2: MERIT PRINCIPLE***

All appointments and promotions of town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination, past performance, or by other evidence of competence and suitability.

### ***SECTION 5-3: AUTHORITY OF DEPARTMENT HEADS AND OTHER OFFICERS TO APPOINT SUBORDINATES***

The trustees of the public library shall appoint the library director.

The fire chief, the police chief and the library director shall each be responsible for the appointment, promotion and discipline of all officers and subordinates in their respective departments.

The town administrator may delegate to any other department head, or other town officer, a similar authority to appoint, promote and discipline subordinates and other employees serving under them.

### ***SECTION 5-4: LONG RANGE PLANNING AND POLICY COMMITTEE***

(a) *Composition, Mode of Appointment, Term of Office* – There shall be a long range planning and policy committee appointed by the select board to consist of seven members. Members of the committee shall be appointed based on demonstrated experience and qualifications related to long range planning and policy development, including experience in government planning, business or economic development planning, forecasting experience in a business or profession, or other experience or qualifications related to the work program of the committee set out, in (b), below. Members shall serve for terms of three years each, so arranged that as nearly an equal number of terms as is possible shall expire each year. One term shall be specifically designated as the chair of the committee.

(b) *Powers, Duties and Responsibilities* – The long range planning and policy committee shall have all of the powers of a planning board with respect to the creation and updating of a, so-called, master or comprehensive plan as provided in General Laws chapter forty-one, section eighty-one D. The comprehensive plan, once adopted by the town in accordance with article 2, shall serve as a guide to all future action by the legislative committee, open town meeting, the planning board, and the zoning board of appeals concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements. The long range planning and policy committee shall coordinate all town planning functions performed by town agencies including, but not limited to, establishing town goals and policies, land use planning, housing needs, economic development, natural resources, cultural resources, historic resources, conservation and open space planning, town service and facilities needs, traffic and parking needs and all other similar planning activities.

The long range planning and policy committee shall also be charged with the responsibility to formulate policy goals and objectives, including, but not limited to, quality of life issues, economic development, zoning, and other issues which may arise from time to time to guide town agencies in their day to day administration of the town's business and affairs.

Before acting on any proposed warrant article concerning land use and development regulations or expenditures for capital improvements, where such warrant article or expenditure involves a matter covered by the comprehensive plan, the legislative committee shall refer the proposal to the long range planning committee, which shall, within a time specified by the legislative committee, report in writing its recommendations thereon, and include in such report, as appropriate under the circumstances, an evaluation whether the proposal is consistent with the comprehensive plan, furthers town goals and policies and/or has a material, positive or negative impact with respect to land use planning, housing needs, economic development, natural resources, cultural resources, historic resources, conservation and open space planning, town service and facility needs, traffic and parking.

The long range planning and policy committee shall have such additional powers, duties and responsibilities as may be provided by by-law.

#### ***SECTION 5-5: DEPARTMENT OF MUNICIPAL FINANCE***

The town may, in accordance with the provisions of section 5-1, provide for the organization, or re-organization of a department of municipal finance responsible for the performance of all the fiscal and financial activities of the town. The department of municipal finance shall have such additional powers, duties and responsibilities with respect to municipal finance related functions and activities as the town may from time to time provide, by by-law.

#### ***SECTION 5-6: STANDING BUILDING COMMITTEE***

(a) ***Composition, Mode of Appointment and Term of Office*** - There shall be a standing building committee consisting of ten members, appointed by the select board for terms of three years each so arranged that as nearly an equal number of terms as is possible shall expire each year. In making appointments to the committee, the select board shall seek persons having experience in the fields of architecture, engineering, construction, real estate or law.

In addition to the regular committee members, as provided above, there shall also be special members; one such special member to be appointed by each town agency having a project being administered by the committee. Special members shall serve during the time the committee is administering the project for the agency such special member represents and shall have the powers and duties of a regular committee member, but only during discussions and actions with respect to the project related to the agency such special member represents. The term of a special member shall terminate when the project for which such member was appointed has been completed.

(b) ***Powers and Duties*** - The standing building committee shall be responsible for assessing the physical condition of all municipal buildings and other facilities and the committee shall file written reports thereon, at least annually, with the select board, the school committee and the capital outlay committee.

Whenever any construction work on any municipal building or other facility is authorized, the standing building committee shall be responsible for all work in connection with the project including feasibility, programming, site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction. Initiation of projects shall be by the proponents, not by this committee. The town shall, by by-law, further provide for the powers and duties of this committee, including establishing a threshold amount placing projects under the purview of this committee.

For the purpose of this section the term ‘facilities’ shall not be construed to include items commonly understood to be within the jurisdiction of a public works department, including but not limited to streets and roads, sidewalks, bridges, sewers, drains and related items.

#### ***SECTION 5-7: CAPITAL OUTLAY COMMITTEE***

(a) ***Composition, Selection, Term of Office*** - There shall be a capital outlay committee to consist of nine members, appointed as follows: one member of the select board and one person designated by the select board; one member of the school committee and one person designated by the school committee; one member of the planning board and one person designated by the planning board; one member of the finance and audit committee and one person designated by the finance and audit committee; a chairperson to be appointed by the select board.

Persons designated by the above agencies may, but need not, be members of the agency by which designated, but all designees shall be residents of the town of Sharon.

The town administrator and the finance director shall attend the meetings of the capital outlay committee, unless excused, and may participate in its deliberations, but shall not vote.

Vacancies which occur shall be filled by the appropriate appointing authority.

Appointments shall be for the period beginning on July 1<sup>st</sup>, annually, and shall be for one year, or until a successor has been chosen and qualified.

(b) ***Powers and Duties*** - The committee shall meet from time to time with representatives of municipal agencies to evaluate the need for additions, renovations or remodeling of any existing building, or facility, or for the construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the select board, the school committee and the finance and audit committee in which it shall make recommendations as to the need for any project, or projects, a copy of which shall be printed in the Annual Town Report.

In connection therewith, the committee shall prioritize the allocation of capital resources on a town-wide basis; coordinate long term capital planning and provide recommendations to the town for the allocation of limited funds for capital purchases, recognizing there are competing fiscal needs of the town that have to be taken into account.

Annually the committee shall prepare a proposed capital outlay budget for the upcoming fiscal year, which shall include therein projections of anticipated capital expenditures for the following

four years. The report of the committee containing its recommendations shall be delivered to the select board, the school committee, the priorities committee, the legislative committee and the finance and audit committee as soon as practicable after the first business day in January, annually. The committee report shall be published in the annual town report.

## **SECTION 5-8: PRIORITIES COMMITTEE**

**(a) Composition, Mode of Appointment and Term of Office** - There shall be a priorities committee to consist of six members, appointed as follows: the chairperson and clerk of the select board; the chairperson and vice-chairperson of the school committee; the chairperson and vice-chairperson of the finance and audit committee. Each respective board or committee may designate a member other than the member indicated herein to serve on this committee. The above members shall serve by virtue of their original board or committee memberships and their membership on the priorities committee shall terminate should a member's original board or committee membership terminate for any reason. Each respective chairperson shall serve as chairperson of the priorities committee for a term of one year, beginning with the chairperson of the select board, then the chairperson of the school committee, then the chairperson of the finance and audit committee.

**(b) Powers and Duties:** The committee shall:

1. Inform itself with the Town's revenue forecasts, sources of funding for the current fiscal year and estimates for the next fiscal year;
2. Inform itself of the Town's fixed and uncontrollable special expenditure items;
3. Inform itself of an estimate of available appropriations;
4. Inform itself of sources of revenue including, without limitation, state aid, excise taxation, payments in lieu of taxes and taxation revenues;
5. Inform itself of and forecast debt levels and the availability of free cash;
6. Present to the Board of Selectmen, School Committee and Finance and Audit Committee a coordinated financial forecast and projected budget allocations and/or adjustments related thereto for the ensuing fiscal year.

## ARTICLE 6

### FINANCE AND FISCAL PROCEDURES

#### ***SECTION 6-1: FISCAL YEAR***

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

#### ***SECTION 6-2: FINANCIAL PROJECTIONS AND ACTUAL RECEIPTS***

**(a) Town Administrator's Responsibility to Promulgate Financial Projections** -The town administrator shall prepare and develop preliminary financial projections that include actual revenues and expenditures for the preceding fiscal year, estimated revenues and expenditures for the current fiscal year, projected revenues and expenditures for at least the next three fiscal years, an identification of each factor which the town administrator believes is likely to have an impact on the financial condition of the town during such period, revenue trends in state distributions and in local receipts, potential sources of new or expanded revenues, new or expanded cost items, a summary statement of the fiscal condition of the town at the end of each year during the period reported on and a recommendation for actions to be taken to minimize any adverse affects upon the town and to maximize favorable trends. Copies of the report, which shall be a public record, shall be made available to the public.

**(b) Distribution of Financial Projections to Policy Makers** - Annually, on the first Monday in November, the town administrator shall distribute copies of the report described in (a), above, to the select board, the superintendent of schools, the school committee, the priorities committee, the finance and audit committee, the legislative committee and shall convene a joint meeting of the same to discuss the report.

Revenue and expenditure projections shall be clearly stated and their basis explained, along with any policies related to the use, retention or accumulation of any reserves. The report shall provide the basis for the preliminary spending guidelines of the town for the ensuing fiscal year.

**(c) Notice of Actual Receipts** – The town administrator shall throughout the financial year continuously monitor the anticipated revenues from every source as projected in the annual financial forecast against the national, regional and local economic conditions, anticipated state actions, actual receipts, and all other sources of information to ascertain if the forecasted amounts are being met, are likely, or unlikely to be met and shall make such modifications and adjustments to the financial forecasts as may be required. The town administrator shall, at least quarterly, inform the select board, the superintendent of schools, the school committee, the priorities committee, the finance and audit committee and the legislative committee of anticipated trends. If it appears to the town administrator that revenue forecasts will not be met, the town administrator shall convene a joint meeting of the select board, the superintendent of schools, the school committee, the priorities committee and the finance and audit committee of the legislative committee to determine what action must be taken to meet any anticipated shortfall in receipts.

**(d) Priorities Committee Recommendations** – The priorities committee, established by by-law, shall distribute to the town administrator, the select board, the superintendent of schools, the school committee, the legislative committee and the finance and audit committee, copies of its initial report and recommendations on or before the second Friday in February.

### **SECTION 6-3: FINANCE AND AUDIT COMMITTEE**

**(a) Composition, Mode of Selection** - There shall be a finance and audit committee of the legislative committee, elected by the members of the legislative committee, which shall consist of seven members. At least two of the members shall always be members of the legislative committee, appointed to serve on the committee for the term for which they were elected. The legislative committee shall also elect as members of the finance and audit committee voters, for terms of three years.

**(b) Powers and Duties** - The finance and audit committee shall be responsible for reviewing and filing a report, with a recommendation, on the proposed annual operating budget, annual capital improvement program, and any amendments, supplements and revisions to the operating budget and capital improvement program and every other financial matter which comes before the legislative committee. The finance and audit committee shall be the primary interface of the legislative committee with the certified public accountant, or firm of such accountants, performing the annual audit as provided in section 6-10.

The finance and audit committee shall have full and complete access to all information involving all aspects of the budget preparation process as it becomes available, including revenue forecasting, preliminary spending estimates, and the budgets as submitted to the select board and the legislative committee. The finance and audit committee shall throughout the year have access to all records and accounts as are necessary to assist it in the performance of its responsibilities.

The finance and audit committee shall file its reports with the legislative committee, with recommendations concerning the adoption of the annual town budget, with or without amendments, in such detail and at such time as may be provided by ordinance, rule, or other vote of the legislative committee.

### **SECTION 6-4: SCHOOL COMMITTEE BUDGET**

**(a) Public Hearing** - The school committee shall cause to be published by posting on the town website a consolidated report of proposed expenditures for education. The summary shall specifically indicate any major variations from the current budget and the reasons for such changes. The notice shall further indicate the times and places at which complete copies of the proposed budget are available for examination by the public, and it shall indicate the date, time and place, when a public hearing will be held by the school committee on its proposed budget.

**(b) Submission to Town Administrator** - The proposed budget adopted by the school committee shall be submitted to the town administrator, and to the finance and audit committee, on or before March 7<sup>th</sup>, annually. The action of the school committee in adopting the proposed budget, following the public hearing, shall be summarized.

## **SECTION 6-5: SUBMISSION OF BUDGET AND BUDGET MESSAGE**

Annually, on or before March 15<sup>th</sup>, the town administrator shall submit to the legislative committee and to the finance and audit committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town administrator shall simultaneously provide for the publication on the town website of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget for the town are available for examination by the public.

## **SECTION 6-6: BUDGET MESSAGE**

The town administrator's message shall explain the proposed budget both in fiscal terms and in terms of the work programs linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the town's debt position, including factors affecting the ability to raise resources through debt issues, report on the accomplishment of performance standards and goals established in prior budgets and include such other material as the town administrator deems desirable.

## **SECTION 6-7: THE BUDGET**

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the town administrator deems desirable or the finance and audit committee may require for effective management and an understanding of the relationship between the budget and the town's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures for the preceding fiscal year. It shall indicate in separate sections:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year;
- (2) Proposed longer term goals and capital expenditures during the ensuing fiscal year; and
- (3) The proposed goals, anticipated income and expense, projected profit and loss for the ensuing year for each enterprise fund.

## **SECTION 6-8: ACTION ON THE BUDGET**

**(a) Public Hearing** - Forthwith upon its receipt of the proposed operating budget, the finance and audit committee shall provide for the publication on the town website of a notice stating the time and place, at which it will hold a public hearing on the proposed operating budget as submitted by the town administrator. The public hearing is to be held not later than April 1<sup>st</sup>, annually.

**(b) Finance and Audit Committee Review** - The finance and audit committee shall consider the detailed expenditures proposed for each town agency and may confer with representatives of each such agency in connection with its review and consideration.

The finance and audit committee shall provide a consolidated report describing estimated total town revenues and expenditures, by category, for the ensuing fiscal year, including the projected or estimated property tax rate used in calculating the estimated revenue to be raised from the property tax, and with comparable figures for estimated and actual revenues and expenditures for the current fiscal year as well as actual revenues and expenditures for the preceding fiscal year..

The finance and audit committee may require the town administrator, or any other town agency, to furnish it with such additional information as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

**(c) Adoption of the Budget** - The finance and audit committee shall file a written report with the legislative committee containing its recommendations for the action to be taken on each line item in the proposed operating budget as submitted by the town administrator. The legislative committee shall adopt the annual operating budget for the town on or before April 30<sup>th</sup>, but in any event on a date which allows for a review of the legislative committee action as provided in section 2-6 of this charter.

## **SECTION 6-9: EXPENDITURES IN EXCESS OF APPROPRIATION**

No official of the town, except in the case of an emergency involving the health and safety of the people or their property, shall intentionally expend in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the town in any contract for the future payment of money in excess of such appropriations. It is the intention of this section that the provisions of section thirty-one of chapter forty-four of the General Laws shall be strictly enforced.

## **SECTION 6-10: INDEPENDENT AUDIT**

The finance and audit committee shall annually provide for an outside audit of the books and accounts of the town to be made by a certified public accountant, or a firm of certified public accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers. The town administrator shall annually provide a sufficient sum of money to conduct the audit. The award of a contract to audit shall be made by the finance and audit committee on or before September fifteenth of each year. The report of the audit shall be filed in final form with the finance and audit committee not later than March first in the year following its award and copies shall be placed on file in the office of the town clerk.

## ARTICLE 7

### GENERAL PROVISIONS

#### **SECTION 7-1: ELECTIONS**

The articles in the warrant for any town meeting insofar as they relate to the election of town officers, or to the determination by the voters of any question to be submitted for such decision by written ballots, shall be acted upon and determined by the voters in their respective precincts. The regular town election shall be taken on official ballots, without party or political designation of any kind, on the date fixed by by-law.

#### **SECTION 7-2: CHARTER CHANGES**

This charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and any statutes enacted to implement the said constitutional provisions.

#### **SECTION 7-3: SEVERABILITY**

The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions of this charter shall not be affected thereby. If the application of this charter or any of its provisions to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

#### **SECTION 7-4: RULES OF CONSTRUCTION**

(a) ***Number and Gender*** - Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

(b) ***Computation of Time*** - In computing time under the charter, if less than seven days, "days" shall not include Saturdays, Sundays or legal holidays. If the time period is seven days or more, every day shall be counted. When the last day of a time period falls on a Saturday, Sunday, or legal holiday, the time shall be extended until five o'clock in the afternoon of the first business day following.

(c) ***References to General Laws*** - All references to General Laws contained in the charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to refer to, and to include, any amendments or revisions to such chapters or sections, or to the corresponding chapters and sections of any rearrangement, recodification, or revision of such statutes enacted, or adopted subsequent to the adoption of this charter.

(d) ***Specific Provision to Prevail*** - To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

#### **SECTION 7-5: RULES AND REGULATIONS**

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the town clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten days following the date it has been so filed in the office of the

town clerk. Copies shall be posted on the town website. Attested copies shall also be kept available in the Sharon Public Library.

#### ***SECTION 7-6: CERTIFICATE OF ELECTION OR APPOINTMENT***

Every person who is elected, including any elected by town meeting vote, or appointed to an office of the town by any appointing authority, shall receive a certificate of such election, or appointment, from the appointing authority or from the town clerk. Every appointing authority shall file a copy of every appointment made by it in the office of the town clerk.

Except as otherwise provided by law, before performing any act under an appointment or election, all such persons shall take and subscribe to an oath of office and be sworn to the faithful performance of their duties, by the town clerk or a designee of the town clerk.

#### ***SECTION 7-7: PERIODIC REVIEW, CHARTER AND BY-LAWS***

(a) ***Charter Review*** - At least once in every ten years, in each year ending in nine, a special charter review committee, to consist of nine members, shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary, or desirable. The committee shall consist of nine members who shall be chosen as follows: the select board, the legislative committee and the school committee shall each designate two persons, and three persons shall be appointed by the town moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are designated. The committee shall meet to organize forthwith following the final adjournment of the spring town meeting. The committee shall hold a public hearing within thirty days following the date on which it meets to organize and at least one additional public hearing before filing its final report.

(b) ***By-Law Review*** – The select board shall at five year intervals, in each year ending in five, or in zero, cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment at the annual town meeting in the year following the year in which the said committee is appointed. The by-law review committee shall consist of the town clerk who shall serve by virtue of office, two voters appointed by the town moderator and two persons appointed by the select board. The said committee in its final, or in an interim report, shall include recommendations for such substantive change in town by-laws as it deems necessary, or desirable. The review of town by-laws shall be in conjunction with the town counsel, or, by special counsel retained for that purpose. The committee shall hold a public hearing within thirty days following the date on which it meets to organize, and at least one additional public hearing before filing its final report. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be forwarded to the attorney general of the commonwealth for approval, and they shall be otherwise published, all as required by General Laws. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual cost, per copy, of reproduction.

## **SECTION 7-8: PROCEDURES GOVERNING MULTIPLE MEMBER BODIES**

(a) ***Meetings*** - All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairperson, or by one-third of the members thereof, by suitable notice delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board in the manner provided by law. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

(b) ***Rules and Minutes of Meetings*** - Each multiple member body shall determine its own rules and order of business unless otherwise provided by General Law, this charter, or by by-law and shall provide for keeping minutes of its meetings. These rules and minutes shall be public records, and certified copies shall be kept available in the office of the town clerk. For the convenience of the public copies of these rules and minutes of meetings may be kept available in the Sharon Public Library, but only the originals, in the possession of the multiple member body, shall be deemed to be the ‘official’ record.

(c) ***Voting*** - Except on procedural matters, the vote of each member of all multiple member bodies shall be recorded in the minutes of the meeting, provided, however, that if the vote is unanimous only that fact need be recorded. Unless some other number be required by general or special law, a majority of the full number of members of a multiple member body shall be required to adopt any measure.

(d) ***Quorum*** - A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid, or binding, unless ratified by the affirmative vote of the majority of the full multiple member body.

(e) ***Filling of Vacancies*** - Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall, forthwith, give written notice of such vacancy to its appointing authority. If, at the expiration of sixty days following the delivery of such notice to the appointing authority said authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy, for the remainder of any unexpired term by majority vote of the remaining members. A copy of the vote shall, forthwith, be filed in the office of the town clerk. The provisions of section 7-6 shall apply to any such appointment.

(g) ***Composition of Multiple Member Bodies*** - Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

## **SECTION 7-9: REMOVALS**

***Excessive Absence, Member of Multiple Member Body*** - If any person appointed to serve as a member of a multiple member body shall fail to regularly attend the meetings of such body held in one twelve-month period, the remaining members of the multiple member body may, by majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body has given in hand, or mailed, by certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person. A copy of any such vote which is adopted shall, forthwith, be delivered to the appointing authority and to the office of the town clerk.

## **SECTION 7-10: NOTICE OF VACANCIES**

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board and posted on the town website for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement. Nothing in this section shall be construed to require that every vacancy which shall occur must be filled.

## **SECTION 7-11: ELECTRONIC PUBLICATION**

In every case where, under any provision of this charter, publication of notice is required by posting in one or more places, or by publication in a newspaper of general circulation, or otherwise, the same notice shall be made available to the public by posting on the town's website, or by any other similar electronic means freely accessible by the public at all times, and by posting on the town's cable access television channels. Such notice shall be posted as soon as possible, but never for a period shorter than the minimum number of days as may otherwise be required by law, by the charter, by ordinance, or by rule or regulation.

It is the intention of this provision that the actions taken, or proposed to be taken, by town agencies shall always be known to the town's voters and inhabitants to the greatest extent possible. It is recognized when this section is being drafted that publication on the town's website and posting on the town's cable access television channels are efficient and effective methods of reaching a large number of town voters and residents. It is the intention of this section that future technology be employed as it becomes available to further enhance voter awareness of and understanding of municipal issues.

## **ARTICLE 8** **TRANSITIONAL PROVISIONS**

### ***SECTION 8-1: CONTINUATION OF EXISTING LAWS***

All general laws, special laws, town by-laws, town meeting votes, and rules and regulations of or pertaining to Sharon that are in force when this charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

### ***SECTION 8-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION***

All town agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected or until their duties have been transferred and assumed by another town agency.

### ***SECTION 8-3: TRANSFER OF RECORDS AND PROPERTY***

All records, property, and equipment whatsoever of any town agency, or part thereof, the powers and duties of which are assigned in whole or in part to another town agency, shall be transferred forthwith to such agency.

### ***SECTION 8-4: EFFECT ON OBLIGATIONS, TAXES, ETC.***

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the town before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the town, shall be enforced and collected, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the town shall be rendered invalid by reason of the adoption of this charter.

### ***SECTION 8-5: TIME OF TAKING EFFECT***

This charter shall take effect upon its ratification by the voters and in accordance with the following schedule:

- (a) All of the provisions of this charter, except for the provisions of article 2, shall take effect on the first day of July following the election at which this charter is adopted.
- (b) The select board, after consultation with the town clerk, shall call a special election to be held before November 15th in the year in which this charter is adopted.

At such special election the first members of the legislative committee shall be elected. The candidate in each precinct receiving the highest number of votes in that precinct for the office of precinct representative shall be declared elected to a two year term and the candidate receiving the next highest number of votes shall be declared elected to a one year term. The three candidates for representative at large who receive the highest number of votes for representative at large shall be declared elected to a two year term and the four candidates who receive the next highest number of votes shall be declared elected to a one year term. Thereafter, as the terms of members expire, candidates shall be elected for terms of two years each.

(c) The provisions of article 2 shall take effect upon the election of the members of the legislative committee.

(d) At the said special election held in the year in which this charter is adopted a seventh member shall be added to the school committee and shall serve until the town election to be held in 2013.

(e) Forthwith following the election at which this charter is adopted the select board shall appoint a special committee to consist of seven members to review the town by-laws to bring them into conformity with the town charter and to fully implement the provisions of the charter. Said committee shall work in conjunction with the town counsel, or with special counsel retained for this particular purpose. If possible at least one member of the committee shall have been a member of the charter commission. Said committee may file interim reports and shall file a final report at the town meeting held in the year following the year at which the charter was adopted.

(f) The select board shall have authority to adopt any regulations which may be needed to effectuate the orderly implementation of this charter.

(g) Notwithstanding the provisions of section 3-1(c), no person currently serving in an elected town office shall be prevented from continuing to serve in the same elected office, subject to re-election..

(h) All persons currently serving in an elected office which is made appointed under the provisions of this charter shall continue to serve for the balance of the term for which elected but successors to the office shall be filled as provided in this charter.

(i) Any person holding a town office, or a position in the administrative service of the town, or any person holding permanent, full time employment and not by periodic appointment, under the town of Sharon, shall retain such office, or position, or employment, and shall continue to perform the duties of such office, position or employment until provision shall have been made for the performance of those duties by another person or agency; provided, however, no person in the permanent full time service of the town of Sharon shall forfeit their pay grade, or time in service of the town. All such persons shall be retained in a capacity as similar to the capacity in which they were serving at the time this charter is adopted as is practicable and any reduction in the personnel needs of the town shall be accomplished through a policy of attrition, unless specific provision is otherwise made in this article.

## **SECTION 8-6: DISPOSITION OF SPECIAL LAWS**

(a) *Special Laws Specifically Retained* - The following special laws providing for the incorporation of the town of Sharon and establishing and defining its boundaries are hereby expressly retained and made a part of the town's charter:

(LAWS OF THE PROVINCE OF MASSACHUSETTS BAY)

1765:9/21 - AN ACT FOR INCORPORATING THE SECOND PRECINCT, IN THE TOWN OF STOUGHTON, IN THE COUNTY OF SUFFOLK, AS IT NOW IS, INTO A DISTRICT BY THE NAME OF STOUGHTONHAM.

1778:6/10 - AN ACT FOR INCORPORATING CERTAIN LANDS IN THE COUNTY OF SUFFOLK, FORMERLY BELONGING TO THE TOWN OF DORCHESTER, BUT NOW TO THE TOWNS OF WRENTHAM, WALPOLE, STOUGHTON AND STOUGHTONHAM, WITH THE INHABITANTS LIVING THEREON, INTO A TOWN BY THE NAME OF FOXBOROUGH.

(LAWS OF THE COMMONWEALTH OF MASSACHUSETTS)

1783,:2/25/ - AN ACT FOR DISCONTINUING THE NAME OF A TOWN IN THE COUNTY OF SUFFOLK, INCORPORATED BY THE NAME OF STOUGHTONHAM, AND CALLING THE SAME SHARON.

1833:15 - AN ACT ESTABLISHING THE DIVIDING LINE BETWEEN THE TOWNS OF SHARON AND FOXBOROUGH, IN THE COUNTY OF NORFOLK.

1850: 47 - AN ACT TO SET OFF A PART OF THE TOWN OF SHARON AND ANNEX THE SAME TO THE TOWN OF FOXBOROUGH.

1864:119 - AN ACT TO SET OFF A PART OF THE TOWN OF STOUGHTON, AND ANNEX THE SAME TO THE TOWN OF SHARON.

1874:212 - AN ACT TO ANNEX A PART OF THE TOWN OF SHARON TO THE TOWN OF WALPOLE.

1874:396 - AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ANNEX A PART OF THE TOWN OF SHARON TO THE TOWN

OF WALPOLE.

1899:186 - AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE TOWNS OF CANTON AND SHARON.

1924:303 - AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SHARON AND STOUGHTON.

1957:279 - AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF SHARON AND STOUGHTON.

(b) *Special Laws Retained, in Part, Repealed, In Part* - The following special laws providing special authority which the town might not otherwise have under the General Laws are, insofar as they contain any such special authority, specifically retained and made a part of the town's charter; provided, however, the powers granted, if any, are to be exercised in accordance with the town's home rule charter; for all other purposes such acts are hereby repealed:

1918:152 - AN ACT TO AUTHORIZE THE TOWN OF SHARON TO INVEST IN LIBERTY BONDS.

1919:151 - AN ACT TO AUTHORIZE THE TOWN OF SHARON TO ACQUIRE AND OPERATE A STREET RAILWAY LINE AND A

SYSTEM OF TRANSPORTATION BY MOTOR VEHICLES.

1931:298 - AN ACT TO AUTHORIZE THE TOWN OF SHARON TO ACQUIRE CERTAIN PROPERTY AND WATER RIGHTS OF

THE PLYMOUTH RUBBER COMPANY.

1943: 73 - AN ACT RELATIVE TO THE CONTROL OF LAKE MASSAPOAG IN THE TOWN OF SHARON.

1945:503 - AN ACT RELATIVE TO THE CONTROL OF LAKE MASSAPOAG IN THE TOWN OF SHARON.

1961: 61 - AN ACT PLACING THE OFFICES AND POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS OF THE TOWN OF SHARON UNDER THE CIVIL SERVICE LAWS.

1976:209 - AN ACT PROVIDING THAT FUTURE MEMBERS OF THE POLICE FORCE OF THE TOWN OF SHARON SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

1986:116 - AN ACT AUTHORIZING THE TOWN OF SHARON TO LEASE CERTAIN LAND FOR TWENTY YEARS.

1986:446 - AN ACT AUTHORIZING THE TOWN OF SHARON TO LEASE CERTAIN LAND.

1990: 13 - AN ACT PROVIDING THAT THE POLICE FORCE OF THE TOWN OF SHARON SHALL BE SUBJECT TO THE CIVIL SERVICE LAW.

(MGL Chapter 138, exceptions to)

1975:409 - AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES BY CERTAIN RESTAURANTS IN THE TOWN OF SHARON.

1979:462 - AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN CLUBS AND VETERANS ORGANIZATIONS IN THE TOWN OF SHARON.

1991: 10 - AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ORGANIZATIONS IN THE TOWN OF SHARON.

1998:431 - AN ACT AUTHORIZING THE TOWN OF SHARON TO ISSUE LICENSES TO CERTAIN ESTABLISHMENTS FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

2002:18 - AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES IN THE TOWN OF SHARON.

2008:471 - AN ACT AUTHORIZING THE TOWN OF SHARON TO GRANT FIVE LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

*(c) Special Laws Specifically Repealed* - The following special laws, were adopted for a single, specific purpose which has either now been accomplished, or the time for action has now expired. If the act contemplated has been exercised, the actions authorized and completed are hereby ratified and confirmed and the results of those actions are continued insofar as the same may be necessary, but in all other respects the special acts herein listed stand repealed:

1922:149 - AN ACT AUTHORIZING THE TOWN OF SHARON TO REFUND TO THE PETTEE COMPANY CERTAIN TAXES ILLEGALLY ASSESSED.

1955: 13 - AN ACT AUTHORIZING THE TOWN OF SHARON TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES.

1956:131 - AN ACT AUTHORIZING THE TOWN OF SHARON TO PAY A SUM OF MONEY TO ALFRED V. HEALY, ALSO KNOWN AS ARTHUR V. HEALY.

1958: 16 - AN ACT TO PROVIDE UNLIMITED TENURE FOR ARTHUR E. COLLINS , INCUMBENT OF THE OFFICE OF

TOWN ACCOUNTANT OF THE TOWN OF SHARON.

1979:695 - AN ACT AUTHORIZING THE TOWN OF SHARON TO RELEASE A CONSERVATION RESTRICTION ON CERTAIN

LAND IN SAID TOWN IN CONSIDERATION OF THE CONVEYANCE OF ANOTHER SIMILAR CONSERVATION RESTRICTION TO SAID TOWN.

1980:371 - AN ACT AUTHORIZING THE TOWN OF SHARON TO APPROPRIATE AND EXPEND FUNDS TO CONSTRUCT A DRAINAGE SYSTEM FOR DRY POND.

1981:636 - AN ACT AUTHORIZING THE TOWN OF SHARON TO PAY A SUM OF MONEY TO ROBERT C. MORSE, JR., FOR THE ACQUISITION OF CERTAIN LAND.

1984:426 - AN ACT AUTHORIZING THE TOWN OF SHARON TO CONVEY A CERTAIN PARCEL OF LAND TO NELSON BRENNER.

1986: 70 - AN ACT AUTHORIZING THE TOWN OF SHARON TO USE CERTAIN PARK LAND FOR HIGHWAY PURPOSES.

1992:197 - AN ACT AUTHORIZING THE TOWN OF SHARON TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND.

1993;254 - AN ACT AUTHORIZING THE CONVEYANCE OF A CERTAIN PARCEL OF LAND IN THE TOWN OF SHARON FOR

AFFORDABLE HOUSING PURPOSES.

1993:315 - AN ACT AUTHORIZING THE TOWN OF SHARON TO CONVEY A CERTAIN PARCEL OF PARK LAND.

2002:249 - AN ACT RELATIVE TO THE TRANSFER OF LAND IN THE TOWN OF SHARON.

2004:284 - AN ACT AUTHORIZING THE TOWN OF SHARON TO CONVEY CERTAIN CONSERVATION LAND.

2008:200 - AN ACT AUTHORIZING THE GRANTING OF AN EASEMENT BY THE TOWN OF SHARON.

(Obsolete Borrowing Authority)

1896:471 - AN ACT TO AUTHORIZE THE TOWN OF SHARON TO MAKE AN ADDITIONAL WATER LOAN

1898: 85 - AN ACT TO AUTHORIZE THE TOWN OF SHARON TO MAKE AN ADDITIONAL WATER LOAN.

1905: 91 - AN ACT TO AUTHORIZE THE TOWN OF SHARON TO RENEW CERTAIN BONDS AND TO MAKE AN ADDITIONAL

WATER LOAN

1921: 97 - AN ACT TO AUTHORIZE THE TOWN OF SHARON TO BORROW MONEY FOR A GRAMMAR SCHOOL BUILDING.

1926: 18 - AN ACT AUTHORIZING THE TOWN OF SHARON TO BORROW MONEY FOR SCHOOL PURPOSES.

1950: 3 - AN ACT AUTHORIZING THE TOWN OF SHARON TO BORROW MONEY FOR SCHOOL PURPOSES.

1967:732 - AN ACT AUTHORIZING THE TOWN OF SHARON TO BORROW MONEY TO ACQUIRE LAND AND BUILDINGS

FOR CONSERVATION AND RECREATION PURPOSES.

1974:568 - AN ACT AUTHORIZING THE TOWN OF SHARON TO BORROW MONEY TO ACQUIRE LAND AND BUILDINGS

AND TO IMPROVE SAID PROPERTY, AND TO ALLOCATE PORTIONS OF SAID PROPERTY TO DIFFERENT MUNICIPAL PURPOSES.

(d) *Special Laws Specifically Repealed* – The following charter related special laws which, prior to the adoption of the Home Rule Charter, served to constitute the ‘existing charter’ of the town of Sharon, are hereby repealed and the powers, duties and responsibilities of the town, and of its officers and employees, shall be those set out in the home rule charter prepared by the Sharon Charter Commission:

1954: 41 - AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF SHARON TO ACT AS A BOARD OF PUBLIC WORKS

EXERCISING THE POWERS OF CERTAIN OTHER BOARDS AND TOWN OFFICERS.

1988:220 - AN ACT AUTHORIZING THE TOWN OF SHARON TO APPOINT THE TREASURER/COLLECTOR OF SAID TOWN.

1988:268 - AN ACT AUTHORIZING THE TOWN OF SHARON TO APPOINT THE TREASURER/COLLECTOR OF SAID TOWN.

**SIDE BY SIDE ANALYSIS OF THE PROPOSED CHARTER FOR SHARON MASSACHUSETTS**

Current Practice or Procedure	Proposed Practice or Procedure
Legislative Branch (town meeting)	
<p><b>Composition</b></p> <ul style="list-style-type: none"> <li>➤ Open Town meeting: all registered voters can attend, speak , propose and vote on amendments to the articles, and vote on the final version</li> <li>➤ Run by the elected Town Moderator</li> <li>➤ Most issues are decided by majority vote, some – borrowing, proposition 2 ½ tax overrides, and zoning amendments -- require 2/3rds majority</li> <li>➤ The budget line items may be amended at open town meeting as long as the total appropriations do not exceed the cap set by the priorities committee</li> <li>➤ All other Articles can be amended so long as they are “within the four corners” of the original article as determined by the Town Moderator</li> <li>➤ Town Clerk records all votes at town meeting</li> <li>➤ Decisions by open town meeting are final.</li> <li>➤ Per Article 1 of the General Bylaws, Annual Open Town Meeting and the Fall Special Town</li> </ul>	<p><b>Two phased Town Meeting:</b></p> <p>Phase I: consideration by the elected 17 member “Legislative Committee” that discusses, amends, and votes to accept or reject each warrant article submitted to them</p> <ul style="list-style-type: none"> <li>➤ 17 members made up of 2 members elected by each of the five precincts and 7 at large members elected by the whole town for two year terms</li> <li>➤ Meetings are public and subject to open meeting law whereby meeting times, dates, and agendas including scheduled votes must be posted in advance of the meeting</li> <li>➤ All registered voters have a right to speak at Legislative Committee Meetings</li> <li>➤ Meetings are run by the town Moderator</li> <li>➤ Most issues are decided by majority vote, some – borrowing, proposition 2 ½ tax overrides, and zoning amendments -- require 2/3<sup>rd</sup> vote to pass at Town Meeting require 2/3<sup>rd</sup> Vote to pass in the Legislative Committee</li> <li>➤ The Legislative Committee cannot amend an article to the extent that it no longer had the same intent as originally proposed.</li> <li>➤ All other Articles can be amended so long as they are “within the four corners” of the original article as determined by the Town Moderator</li> <li>➤ Town Clerk records all votes</li> <li>➤ The vote of the Legislative Committee is final unless 3% of the registered voters approximately360 people sign a petition for review by Open Town Meeting</li> </ul>

Legislative Branch (town meeting)	Current Practice or Procedure	Proposed Practice or Procedure
	Meeting cannot adjourn until all of the Warrant Articles have been voted on	<p>Phase II: Open Town Meeting</p> <ul style="list-style-type: none"> <li>➤ A registered voter has ten days after the date the Town Clerk posts the Legislative Committee's action on the Town Website and Bulletin Boards to pull a petition</li> <li>➤ 3% of the registered voters sign a review petition within 21 days of the date the town clerk posted the Committee's vote</li> <li>➤ The Town Clerk and the Registrars of Voters have 5 days to certify the signatures and submit the petition to the Select Board</li> <li>➤ When the Select Board receives a successful petition they must either refer the matter to the next regularly scheduled open town meeting or schedule a special open town meeting no later than 60 days from their receipt of the review petition</li> <li>➤ At Open Town Meeting registered voters can speak on the article and vote to approve or reject it.</li> <li>➤ As is presently the case, budgets may be amended provided the total appropriation remains within the limit established by the Priorities committee</li> <li>➤ Only "Technical" amendments needed to effectuate the purpose of the article are allowed. The Town Moderator is charged with making this determination. This rule ensures that people attending open town meeting will know exactly what they are voting on and will have a chance to educate themselves on the issues prior to town meeting</li> <li>➤ The action by Open Town Meeting is final</li> </ul>
Number of Town Meetings		<ul style="list-style-type: none"> <li>➤ Per state law one in the spring to adopt annual budget</li> <li>➤ Per Article 1 of General Bylaws at least one "Special Town Meeting" in the Fall to handle non budgetary matters</li> <li>➤ Select Board can call any number of additional special town meetings</li> </ul>

Legislative Branch (town meeting)	Current Practice or Procedure	Proposed Practice or Procedure
Setting the date of the annual town meeting	<ul style="list-style-type: none"> <li>➤ Set first Monday in May per Article 1 of the General Bylaws</li> </ul>	<ul style="list-style-type: none"> <li>➤ Vote by the Legislative Committee must be completed no later than April 30<sup>th</sup>, to allow if necessary pursuant to a review petition for final action by Open Town Meeting before the start of the fiscal year.</li> </ul>
Setting the date of "special" town meetings	<ul style="list-style-type: none"> <li>➤ At least one between September 1 and December 15<sup>th</sup> each year on a date determined by the Select Board</li> <li>➤ Select board may call other town meetings at their discretion</li> </ul>	<ul style="list-style-type: none"> <li>➤ Select Board can call meeting of the Legislative Committee whenever necessary by submitting a warrant article or articles to the body. This provision allows the town to act on matters in a more timely manner, since they are not tied to prescheduled and often expensive Town Meetings</li> <li>➤ Because they are not driven by the deadline of a prescheduled Town Meeting, warrant articles can be submitted to the Legislative Committee when the decision making or negotiation is complete</li> </ul>
Proposing an Article	<ul style="list-style-type: none"> <li>➤ Selectmen develop article and put on Warrant to Selectmen who may put it on warrant</li> <li>➤ Selectmen are required to include articles on the annual Town Meeting warrant upon receipt of a petition signed by 10 citizens</li> <li>➤ Selectmen are required to call a special town meeting on an article upon receipt of a petition signed by 200 citizens.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Same process for submitting as now plus: <ul style="list-style-type: none"> <li>○ Select board is required to include articles proposed by an independent board or committee</li> <li>○ 10 citizens can petition to include an article on a warrant at any time, not just for the annual town meeting</li> <li>○ Select Board will "frequently" prepare warrants including one or more articles directing the Legislative Committee to meet at a specified time and place. That date must be within 14 days of the date the Select Board issued the warrant.</li> </ul> </li> </ul>
Public Notice of Town Meeting	<p>Per Article 1 of the General Bylaws:</p> <ul style="list-style-type: none"> <li>➤ Notice of the meeting is posted in at least days places 10 fourteen days prior to the Town Meeting</li> <li>➤ The warrant, with the date and time of the meeting, the language of each article, and the finance committee's recommendation is mailed</li> </ul>	<ul style="list-style-type: none"> <li>➤ All proposed Warrant articles submitted to Select Board must be posted on Town Bulletin Board and Website and submitted to Legislative Committee and Town Moderator upon receipt</li> <li>➤ Warrants issued by the Select Board, directing the Legislative Committee to meet at a specified time and place to act on specific articles must be posted on town website, town bulletin board and other sites per bylaw (this could include automatic email notification to individuals who have "opted in" for such notification)</li> </ul>

Legislative Branch (town meeting)	Current Practice or Procedure	Proposed Practice or Procedure
<p>to each household 7 days prior to the town meeting</p> <p>➤ Often the language of the article and the finance committee's recommendations are often not final when the warrant is printed and distributed and substantial changes are proposed on the floor of open town meeting</p>	<p>➤ When an Open Town Meeting is held pursuant to a review petition, the existing notification procedures will apply.</p> <p>➤ The warrant will include the article, recommendations from the Finance and Audit Committee with the addition of statements from article's opponents and proponents selected by the Town Moderator</p> <p>➤ Note that when the warrant is sent to each household, it will be complete, because the Legislative Committee will have acted upon it and it cannot be substantively amended at open town meeting</p>	
<p>Reviewing Proposed articles</p> <p>➤ 12 member Finance Committee reviews and prepares recommendation on all articles at public meetings</p> <p>➤ Capital Outlay Committee reviews and makes recommendations on all capital outlay expenditures</p>	<p>➤ All legislative meetings where articles are reviewed and voted on are open to public implications</p> <p>➤ 7 member, Finance and Audit Committee reviews warrant articles with fiscal implications</p> <p>➤ New 7 member Long Range Planning Committee reports on the consistency of warrant articles with long range plan and goals (plan includes fiscal, land use, environmental, school matters etc.)</p> <p>➤ Capital Outlay Committee reviews and makes recommendations on all capital outlay expenditures. Capital Outlay Committee has added responsibility to evaluate proposed capital expenditures on facilities against a long range facility maintenance plan they have created</p>	<p>➤ Select Board may still review and make recommendations on all articles</p> <p>➤ If Open Town Meeting voters will have a statement by proponents and opponents in warrant mailed to all citizens</p> <p>➤ Open warrant meeting could still occur</p>
<p>Role and selection of</p> <p>➤ Elected</p> <p>➤ Moderate Open Town Meeting</p>	<p>➤ Elected</p> <p>➤ Moderate Legislative Committee meetings</p>	

	Current Practice or Procedure	Proposed Practice or Procedure
Legislative Branch (town meeting)		
Town Moderator	<ul style="list-style-type: none"> <li>➤ Appoint nominating committee for Finance Committee</li> <li>➤ Appoints Personnel Board</li> </ul>	<ul style="list-style-type: none"> <li>➤ Moderate Open Town Meeting</li> <li>➤ Rule on technical amendments to articles brought to open town meeting</li> </ul>
Budget Process	Current Practice or Procedure	Proposed Practice or Procedure
Budget Process	<ul style="list-style-type: none"> <li>➤ Town Administrator prepares financial projections for the coming fiscal year in the fall</li> <li>➤ School Committee and Town Agencies prepare preliminary budgets in the late fall</li> <li>➤ Priorities Committee reviews projections and allocates available funds to the School Department, Town Agencies and the Finance Committee sectors in the early winter.</li> <li>➤ Town Administrator and School Committee submit final budgets to Finance Committee and Capital Outlay Committee</li> <li>➤ Capital Outlay Committee and Finance Committee develop budget recommendations in the spring</li> <li>➤ Town meeting votes on Capital Outlay and Finance Committee in May</li> </ul>	<ul style="list-style-type: none"> <li>➤ Present process and roles unchanged</li> <li>➤ Time table and roles of the priorities committee, capital outlay committee, finance and audit committee and town administrator is formally set in the Charter</li> <li>➤ Timetable pushed back from present process to provide time for Open Town meeting following the vote of the Legislative Committee on the full budget:</li> <li>➤ Charter broadly outlines content of budget: The proposed goals and expenditures for current operations during the ensuing fiscal year; proposed longer term goals and capital expenditures during the ensuing fiscal year; and the proposed goals, anticipated income and expense, projected profit and loss for the ensuing year for each enterprise fund. proposed goals</li> </ul>
Role and Selection of Finance Committee (Article 2 of the General	<ul style="list-style-type: none"> <li>➤ 6-12 member Finance Committee reviews all proposed articles in public session and develops recommended action for town meeting, which is published in the Town Warrant that is mailed to each household</li> <li>➤ Finance Committee members are elected by town</li> </ul>	<ul style="list-style-type: none"> <li>➤ Name changed to Finance and Audit Committee</li> <li>➤ 7 member Finance Committee reviews all articles for their fiscal implications only</li> <li>➤ Must hold a public hearing on the proposed budget no later than April 1, notice of such hearing posted on town website and bulletin board</li> <li>➤ Must prepare a summary of the budget</li> <li>➤ Must prepare a written report to the Legislative Committee giving its</li> </ul>

Budget Process	Current Practice or Procedure	Proposed Practice or Procedure
Bylaws	<p>meeting, based on nominations from a 5 member nominating committee appointed by the Town Moderator</p> <ul style="list-style-type: none"> <li>➤ Often the final version of the article is not available until town meeting night so the finance committee's recommendation may be delayed until then</li> <li>➤ Appoints 2 members of Priorities Committee</li> <li>➤ Appoints 2 members of the Capital Outlay Committee</li> </ul>	<p>recommendations on the proposed budget and every other financial matter which comes before the committee</p> <ul style="list-style-type: none"> <li>➤ The Finance and Audit Committee appointed by the Legislative Committee, must include 2 Legislative Committee members and 5 other individuals appointed by the LC</li> <li>➤ Authority to appoint to Priorities and Capital Outlay unchanged</li> <li>➤ Manages the annual third party Town Audit</li> </ul>
Role and Selection of Finance Nominating Committee	<ul style="list-style-type: none"> <li>➤ Appointed by Town Moderator</li> <li>➤ Nominates Finance Committee Members</li> </ul>	<ul style="list-style-type: none"> <li>➤ No longer necessary: Legislative Committee Appoints Finance and Audit Committee</li> </ul>
Role and Selection of the Priorities Committee	<ul style="list-style-type: none"> <li>➤ Allocate the cap between the Town agency administration, the budgets for the independent boards (e.g. planning, health ) and school department</li> <li>➤ Comprised of 6 people: two selectmen, two school committee, and two from finance committee</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unchanged</li> </ul>

Day to Day Administration of the Town		
	Current Practice or Procedure	Proposed Practice or Procedure
Role of Selectmen	<ul style="list-style-type: none"> <li>➤ All "Executive" powers to run town agencies, although much of this has been delegated informally to the Town Administrator</li> <li>➤ Licensing Authority</li> <li>➤ The authority to hire and fire the town administrator</li> <li>➤ All hiring and firing authority in the town not otherwise controlled by union rules with the exception of the fire department, in practice much of this has been delegated</li> <li>➤ Authority to appoint members of the regulatory committees: ZBA, Health Board, Conservation Commission</li> <li>➤ Authority to appoint members of various "multiple member boards" such as the Priorities and Capital Outlay committees, Community Preservation Committee,</li> <li>➤ Authority to appoint members of the Policy Advisory Boards listed below Boards and Commissions</li> <li>➤ Authority to appoint the following town officials: <ul style="list-style-type: none"> <li>○ Fence Viewer</li> <li>○ Animal Inspector</li> <li>○ Town Counsel</li> <li>○ Fire Chief</li> <li>○ Police Chief</li> <li>○ Police Officers</li> <li>○ Public Works</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Executive Powers limited to "setting policy"</li> <li>➤ Licensing authority unchanged</li> <li>➤ The authority to hire the town administrator for an indefinite term (it cannot offer a multi year contract, and cannot offer severance pay in excess of one year's salary) from the candidates recommended by a selection committee whose composition is established by bylaw.</li> <li>➤ The authority to remove the town administrator when it chooses, following an established procedure</li> <li>➤ Authority to appoint the Town Counsel</li> <li>➤ Authority to approve or reject candidates recommended by the town administrator for department heads, including the town clerk</li> <li>➤ Newly established authority to appoint the Library Trustees, Planning Board, Assessors, and Long Range Planning Committee</li> <li>➤ Authority to appoint all other boards and committees it presently has the authority to appoint is unchanged including members of the regulatory committees: ZBA, Health Board, Conservation Commission</li> <li>➤ Authority to appoint members of intergovernmental boards -- Norfolk County Advisory Board and the MAPC Representative</li> </ul>

Day to Day Administration of the Town		Current Practice or Procedure	Proposed Practice or Procedure
	<ul style="list-style-type: none"> <li>○ Superintendent</li> <li>○ Recreation Director</li> <li>○ Assistant Recreation Director</li> <li>○ Finance director</li> <li>○ Treasurer /Collector (approves Finance Directors nominee)</li> <li>○ Town Accountant (approves Finance Director's nominee)</li> <li>○ Building Inspector</li> <li>○ Plumbing and Gas Inspector</li> </ul>	<ul style="list-style-type: none"> <li>Wood and Bark</li> <li>○ Parking Officer</li> <li>○ Sealer of Weights and Measures</li> <li>○ Surveyor of Lumber</li> <li>○ Tree Warden</li> <li>○ Veterans Agent</li> <li>○ Norfolk County Advisory Board</li> <li>○ MAPC Representative</li> </ul>	<ul style="list-style-type: none"> <li>➤ Name changed to Town Administrator</li> <li>➤ Permanent authority for the day to day management and administration of town including: <ul style="list-style-type: none"> <li>○ Appointment from the candidates recommended by a search committee the composition of which is established by bylaw. Appointment is final unless the Select Board votes to disapprove an appointment (Police, Fire, Recreation, DPW, Council on Aging, Housing Authority Finance Department , Information Technology Department, Town Clerk)</li> <li>○ Dismissal and disciplinary actions for all Department Heads</li> <li>○ All hiring, promotion, and discipline of staff in all agencies under the Town Administrator's control except the Fire Department, Police Department, and Library.</li> <li>○ Hiring for technical staff of the Conservation Commission, Health Board, and Planning Board, based on the recommendations of a selection committee which includes a member of the Board to which the staff is assigned.</li> </ul> </li> </ul>

Day to Day Administration of the Town	Current Practice or Procedure	Proposed Practice or Procedure
		<ul style="list-style-type: none"> <li>○ Promotion and disciplinary actions for technical staff that work for the Conservation Commission, Health Board, Planning Board are based on recommendations from the respective boards</li> <li>○ Negotiation of all personnel contracts</li> <li>○ Reorganize the town</li> <li>○ Be the town procurement officer</li> <li>○ Ensure financial recordkeeping</li> <li>○ Manage the rental of all town property and facilities except the library and school department</li> <li>○ Maintain an inventory of all town equipment and property (including school department)</li> <li>○ Enquire into the proper functioning of all town agencies , employees and appointees</li> <li>○ Propose administrative reorganizations (which may need to be approved by legislative branch)</li> <li>○ Prepare and compile budgets for agencies under the Select Board, compile town wide budget that includes budget prepared by school department</li> <li>➤ The town administrator may delegate certain authority to department heads</li> </ul>
Role and Selection of the Department of Municipal Finance	<p>Per Article 3a of the General Bylaws The Department of Municipal Finance e includes accountant, treasurer, administrative assessor and information technology. The bylaw states it is responsible for</p> <p>➤ Handling all fiscal matters: accounting records, audits, payments, receipt of funds, tracking and reporting expenditures, supervision of purchasing (except for school department) and information technology</p> <p>➤ Coordinating and assisting Priorities, Finance,</p>	<p>➤ Town Administrator appoints the Director, subject to approval of Select Board, and all staff</p> <p>➤ Unless delegated to the Director of Municipal Finance, Town Administrator responsible for promotion and discipline of all staff</p>

## Day to Day Administration of the Town

	<b>Current Practice or Procedure</b>	<b>Proposed Practice or Procedure</b>
	<p>and Capital Outlay committees ex officio</p> <ul style="list-style-type: none"> <li>► Director appointed by Select Board</li> <li>► Director appoints accountant, treasurer, administrative assessor, and information technology staff. Appointment of administrator assessor subject to approval of Board of Assessors, all others subject to approval of the Selectmen</li> <li>► Director can be appointed to hold in an ex-officio capacity other financial positions identified in this By-law, except that no person shall hold both the Town Accountant and Town Treasurer positions at the same time</li> <li>► In performing duties where the approval of the Board of Assessors is statutorily required, the Administrative Assessor may be directed by the Director of Municipal Finance, but any final decision will be made by the Board of Assessors.</li> </ul>	<ul style="list-style-type: none"> <li>► Newly created Seven Member Long Range Planning Committee, prepares and updates a Comprehensive Long Range Plan in consultation with other boards and committees with planning functions,</li> <li>► Plan establishes town goals and policies, land use planning, housing needs, economic development, natural resources, cultural resources, historic resources, conservation and open space planning, town service and facilities needs, traffic and parking needs and all other similar planning activities.</li> <li>► Members with expertise in appointed by Select Board, with expertise in government planning, business or economic development planning, forecasting experience in a business or profession, or other experience or qualifications related to the committee's charge</li> <li>► Coordinates plans developed by other boards and committees with long range</li> </ul>
Long Range Planning	<ul style="list-style-type: none"> <li>► Master Plan prepared by Planning Board</li> <li>► Various other long range plans prepared by Conservation Committee, Recreation Advisory Committee and other boards</li> <li>► Several Long Range planning committees exist : <ul style="list-style-type: none"> <li>○ Long Range Planning Task force</li> <li>○ Economic Development and Commercialization Commission</li> <li>○ Town wide Comprehensive Facilities Planning Committee</li> <li>○ Development and Industrial Commission</li> </ul> </li> </ul>	

Day to Day Administration of the Town	
	Current Practice or Procedure
	<p><b>Proposed Practice or Procedure</b></p> <ul style="list-style-type: none"> <li>➤ planning functions</li> <li>➤ Comprehensive Plan to be adopted by Town Legislature</li> <li>➤ Submits a report to the Legislative Committee evaluating the extent to which proposed articles are consistent with the Long Range Plan</li> </ul>
Facilities Maintenance	<ul style="list-style-type: none"> <li>➤ Each agency handles its own</li> <li>➤ No change to who manages it, although maintenance of all town facilities of agencies under the Town Administrator's jurisdiction are the responsibility of the Town Administrator</li> <li>➤ Annual review of facility conditions conducted by Standing Building Committee</li> <li>➤ Capital Outlay Committee uses Standing Building Report and consultation with agencies to develop a long range facilities maintenance plan</li> </ul>
Role and Selection of Town Clerk	<ul style="list-style-type: none"> <li>➤ Elected</li> <li>➤ Hires manages disciplines own staff</li> <li>➤ Role unchanged</li> <li>➤ Appointed by the Town Administrator with the opportunity for the Select Board to approve or reject appointment</li> <li>➤ Staff hiring, management, discipline transferred to Town Administrator</li> </ul>
Role and selection of Health Board	<ul style="list-style-type: none"> <li>➤ Appointed by Select Board</li> <li>➤ Authority to appoint the Burial Agent</li> <li>➤ Authority to appoint the health agents for administration, sanitary inspections, and the public health nurse</li> <li>➤ Authority to hire, promote, and discipline staff</li> <li>➤ Role and selection unchanged</li> <li>➤ Recommends candidates to Town Administrator</li> <li>➤ Town Administrator appoints burial agent</li> </ul>
Role and Selection of Conservation Commission	<ul style="list-style-type: none"> <li>➤ Authority to appoint the conservation agent and other staff</li> <li>➤ Authority to hire, promote, and discipline staff</li> <li>➤ Role and selection unchanged</li> <li>➤ Recommends candidates to Town Administrator</li> </ul>
Role and Selection of	<ul style="list-style-type: none"> <li>➤ Elected</li> <li>➤ Appoints Library Director who hires and</li> <li>➤ Role unchanged</li> <li>➤ Appointed by Select Board</li> </ul>

Day to Day Administration of the Town		
	Current Practice or Procedure	Proposed Practice or Procedure
Library Trustees	manages all staff	
Role and selection of Assessors	<ul style="list-style-type: none"> <li>➤ Elected</li> <li>➤ Approves the appointment of the administrative assessor</li> <li>➤ Manages the administrative assessor on statutorily mandated matters</li> </ul>	<ul style="list-style-type: none"> <li>➤ No longer approves appointment of or manages the administrative assessor unless work is delegated by the Town Administrator</li> <li>➤ Appointed by Select Board</li> </ul>
Role and selection of planning board	<ul style="list-style-type: none"> <li>➤ Subdivision control review and permitting</li> <li>➤ Development of a Long Range Plan for town</li> <li>➤ Elected</li> <li>➤ Authority to hire, promote, and discipline staff</li> </ul>	<ul style="list-style-type: none"> <li>➤ Appointed by select board</li> <li>➤ Retains Subdivision control responsibility</li> <li>➤ Long range planning authority transferred to a new Long Range Planning Committee appointed by the Select Board</li> <li>➤ Recommends candidates to Town Administrator</li> </ul>
Role and selection of school committee	<ul style="list-style-type: none"> <li>➤ Elected</li> <li>➤ 6 members</li> <li>➤ Selects and manages the Superintendent of Schools</li> <li>➤ Sets Policy</li> </ul>	<ul style="list-style-type: none"> <li>➤ Role and selection process unchanged</li> <li>➤ 7 members per state statute that all boards must have an odd number</li> <li>➤ Vacancies replaced by joint vote of Select Board, Legislative Committee, School Committee and Moderator</li> </ul>
Role and Selection of the Personnel Board	<ul style="list-style-type: none"> <li>➤ Appointed by the Town Moderator</li> </ul>	<ul style="list-style-type: none"> <li>➤ Role Unchanged</li> <li>➤ Appointed by the Select Board</li> </ul>
Role and Selection of Standing Building	<ul style="list-style-type: none"> <li>➤ Oversee design and construction of facilities of a cost greater than a threshold established by law (presently \$500,000)</li> <li>➤ 10 members Selected by a 5 member Standing Building Selection Committee (which is</li> </ul>	<ul style="list-style-type: none"> <li>➤ Existing responsibilities unchanged</li> <li>➤ Composition unchanged</li> <li>➤ Appointed by the select board (agency that is commissioning project still appoints a</li> </ul>

Day to Day Administration of the Town		
	Current Practice or Procedure	Proposed Practice or Procedure
Committee comprised of representatives appointed by Select Board and School Committee) ➤ Special members appointed by agency that is commissioning project		<p>Special member)</p> <ul style="list-style-type: none"> <li>➤ New responsibility for monitoring physical condition of town facilities, meeting and submitting an annual report with their findings to the town including Capital Outlay Committee, Select Board, and School Committee</li> <li>➤ Note Town Facilities does not include infrastructure such as streets, water and sewer lines, sidewalks, bridges etc.)</li> </ul>
Role and Selection of the Standing Building Building Advisory Committee	<ul style="list-style-type: none"> <li>➤ Appointed by School Committee and BOS</li> <li>➤ Appoints Standing Building Committee</li> </ul>	<ul style="list-style-type: none"> <li>➤ This committee is eliminated because the Select Board now appoint the members of the Standing Building Committee</li> </ul>

Roles of Various Committees and Boards		Current Practice or Procedure	Proposed Practice or Procedure
Role and Selection of Community Preservation Committee	<ul style="list-style-type: none"> <li>➤ One member from the Conservation Commission, one member from the Historical Commission ; one member from the Planning Board ; one member appointed by the Board of Selectmen, acting as Park Commissioners , one member from the Housing Authority , one at-large members appointed by the Board of Selectmen, and another appointed by the Moderator,</li> <li>➤ Administer the Community Preservation Act</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unchanged</li> </ul>	
Long Range Planning Task force	<ul style="list-style-type: none"> <li>➤ Appointed by the Select Board</li> </ul>	<ul style="list-style-type: none"> <li>➤ Selection Unchanged</li> </ul>	
Economic Development and Commercialization Commission	<ul style="list-style-type: none"> <li>➤ Appointed by the Select Board</li> </ul>	<ul style="list-style-type: none"> <li>➤ Selection Unchanged</li> </ul>	
Role and selection of Town wide Comprehensive Facilities Planning Committee	<ul style="list-style-type: none"> <li>➤ Appointed by the Select Board</li> </ul>	<ul style="list-style-type: none"> <li>➤ Selection Unchanged</li> </ul>	

## Roles of Various Committees and Boards

	<b>Current Practice or Procedure</b>	<b>Proposed Practice or Procedure</b>
Role and Selection of Development and Industrial Commission	➤ Appointed by the Select Board	➤ Selection Unchanged
Personnel Board	<p>➤ Appointed by the Moderator</p>	<p>➤ Role Unchanged</p> <p>➤ Appointed by the Select Board</p>

List of Appointed Boards whose role and appointment process is unchanged.

- Housing Partnership
- Zoning board of appeals
- Avalon Bay Goodband Property Citizens Advisory Committee
- Cable TV Oversight Committee
- Canoe River Aquifer Advisory Committee
- Civil Defense
- Commission on Disability
- Energy Advisory Committee
- Horizons for Youth Reuse Committee
- Logan Citizens Advisory Committee
- Recreation Advisory Committee
- Sacred Heart Reuse Committee
- Lake Management Study Committee - appointed by the Select Board
  - 2 by Con Com, 2 by Select Board
- Local Emergency Planning Committee (defined by statute – fire, police, civil defense, public health)

Unless noted these are appointed by the Select Board

- Sharon Cultural Committee
- Transportation Advisory Board
- Recycling Advisory Committee
- Historical Commission
- Trustees Sharon Friends of Schools Fund (appointed by town meeting)
- Dorchester Surplus and Revenue Fund
- Edmund H Talbot Fund (appointed by town meeting)
- Veterans Advisory Committee
- Water Management and Advisory Committee
- Wilbur School Development Committee
- Zoning Board of Appeals Advisory Committee for Sharon Commons
- Community Development Committee (appointed by various boards) Conservation Committee Subcommittee (Appointed by the Conservation Commission) Con Com appoints still?
- Sharon High School Expansion Committee
- Registrars of Voters

Roles of Various Committees and Boards		
	Current Practice or Procedure	Proposed Practice or Procedure
Housing Authority	► Elected	► Selection and role unchanged

Miscellaneous New Provisions		
	Current Practice or Procedure	Proposed Practice or Procedure
Publication of Minutes and agendas, bylaws, reports, warrants, etc.	<ul style="list-style-type: none"> <li>► Agendas, warrants, required to be posted on town bulletin boards</li> <li>► Minutes, bylaws required to be made available</li> </ul>	<ul style="list-style-type: none"> <li>► Required to be Posted on town bulletin boards</li> <li>► Required to be posted on the town website</li> <li>► Opt in email strongly suggested</li> <li>► Wording added to insure compliance as technology advances</li> </ul>
Recall of Elected Officials	► None now	► Unchanged
Recall of appointed officials	► None now	<ul style="list-style-type: none"> <li>► Boards can after due notice vote to remove a member for chronic absenteeism from meetings.</li> </ul>
Filling vacancies on elected boards	<ul style="list-style-type: none"> <li>► Special election for select board member</li> <li>► Vote by Select Board and elected Board for all others</li> </ul>	<ul style="list-style-type: none"> <li>► Special election for Select Board unchanged</li> <li>► Vote by Legislative Committee, Moderator, Select Board and board with the vacancy for all others</li> </ul>

Miscellaneous New Provisions	<ul style="list-style-type: none"> <li>➤ No town employee can be on an elected board</li> <li>➤ No elected official can be on another board except as an ex officio member</li> <li>➤ A committee to review Bylaws and Regulations must be created every 5 years</li> <li>➤ A committee to review the Charter Commission must be appointed every 10 years</li> <li>➤ Formalizes the budget development procedures</li> <li>➤ Notice of vacancies on Town Bulletin Board and Web</li> <li>➤ To every extent possible voters will be given notice of all town business</li> <li>➤ A quorum is a majority of the members of a multiple board</li> <li>➤ A majority of a board is majority of the all positions, not those that are filled</li> </ul>
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## Notes

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